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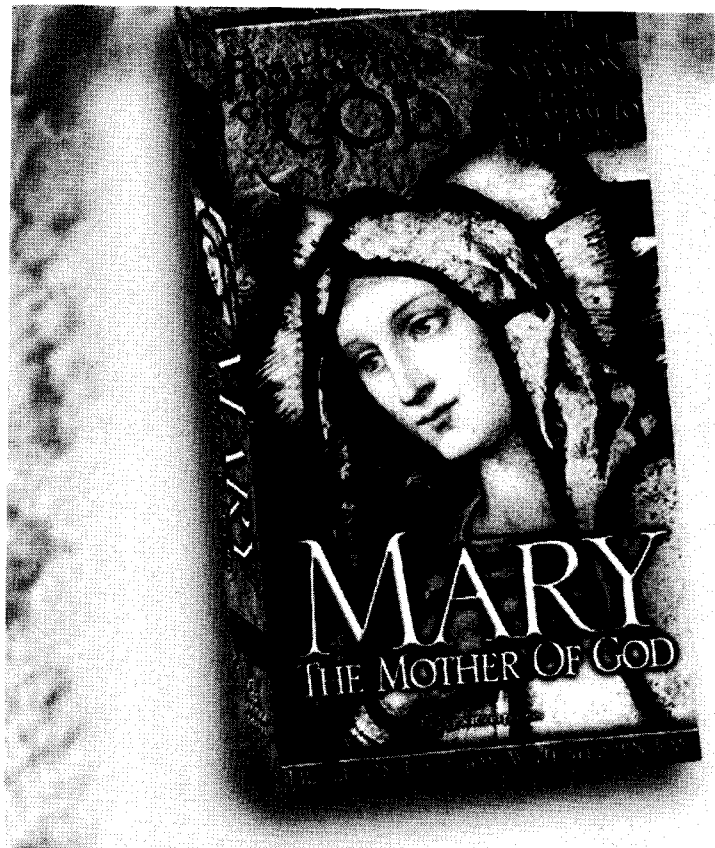

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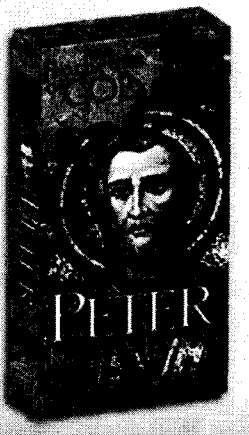

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FIRST THINGS

OCTOBER 2002 • Number 126

CORRESPONDENCE 2 Purgatory—who needs it?; race and (true) equality; what did Piepkorn believe?; faith vs. government; saluting the service; Bat Ye'or's clarion call; Jewish friends, Jewish influence; arguing the Messiah

EXCHANGE 8 Antonin Scalia and His Critics: The Church, the Courts, and the Death Penalty

THIS TIME 19 *Alicia Mosier* Truth, Beauty & the American Way

OPINION
21 *Lawrence Uzzell* Russians and Catholics
23 *Kenneth L. Woodward* The Last Respectable Prejudice
25 *Gabriel Fackre* Was Reinhold Niebuhr a Christian?
27 *Peter L. Berger* Whatever Happened to Sociology?

ARTICLES
30 *John Witte, Jr.* The Meanings of Marriage
42 *Leszek Kolakowski* What Is Left of Socialism
47 *M. A. Casey* How to Think About Globalization

BOOKS 57

Marc D. Guerra Our Posthuman Future by Francis Fukuyama
Allen C. Guelzo Lincoln's Virtues by William Lee Miller
Edward T. Oakes Upheavals of Thought by Martha C. Nussbaum
Andrew J. Bacevich Six Days of War: June 1967 and the Making of the Modern Middle East by Michael B. Oren . . . *and* Briefly Noted

THE PUBLIC SQUARE 83 A Continuing Survey of Religion and Public Life
Richard John Neuhaus
This Month: Seeking a Better Way, *etc.*
Poetry by *Luís de Camões, translated by William Baer* (41, 46)

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Editor: *James Nuechterlein*
Associate Editor: *Damon Linker*
Managing Editor: *Alicia Mosier*
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Who Needs Purgatory?

I commend Jerry L. Walls for his examination of the issue of purgatory from his own Wesleyan tradition ("Purgatory for Everyone," April). His effort reveals an interesting similarity between the Wesleyan tradition and the tradition of Roman Catholicism on the issue of purgatory.

The Lutheran understanding is different. Confessional Lutherans stress that justification is a completed act and not a process. This assertion is often expressed in terms of "forensic justification," that is, justification as a legal declaration. The danger of using the legal metaphor in terms of justification is that one could make the mistake of viewing justification as a "legal fiction" (i.e., the sinner remains a sinner while God simply pretends that he is righteous). But confessional Lutherans do not view justification as a "legal fiction." The God who declares us to be righteous in Christ also makes us righteous in Christ by His creative Word in the moment of justification.

Professor Walls says: "Real virtue is achieved over a period of time by numerous choices and decisions." He further says: "The classical notion of purgatory also seems necessary to a related issue in the process of sanctification: our free participation in it. . . . God takes our freedom seriously and is patient with it." Both the Wesleyan and Roman traditions view the "freedom of the human will" as a necessary component in the process of justification. In contrast, Lutherans confess that since the Fall our wills are in bondage to unbelief. Unbelievers still have wills, but they are completely opposed to God (Romans 8:7-8). A rabid dog willingly chooses to hate and bite its master. However, a rabid dog cannot choose to love and serve its master. The only solution for a rabid dog is to kill it and get a new one. Lutherans teach that God kills so that He can make alive. All this is done in Christ as a complete gift.

Prof. Walls writes: "Wesleyans insist that God not only forgives us but also changes us and actually makes us righteous. Only when we are entirely sanctified or fully perfected in this sense are we truly fit to enjoy the beatific vision in heaven." In contrast, Lutherans confess that the "beatific vision" descends to us when Christ comes into our lives through Baptism, Absolution, and with his own Body and Blood in Holy Communion. We are not made ready for service in heaven. Heaven makes Himself ready to serve us (John 1:14).

Purgatory is not necessary because we have all the "progress" we need and more through the work of Jesus Christ. Soli Deo Gloria!

(The Rev.) Tom Eckstein
Beautiful Savior Lutheran Church
(Lutheran Church-Missouri Synod)
Bridgeton, Missouri

Jerry L. Walls replies:
I want to thank Pastor Eckstein for his thoughtful critique of my article on purgatory. However, I am not sure I understand some of his claims, in particular when he says, "The God who declares us to be righteous in Christ also makes us righteous in Christ by His creative Word in the moment of justification." If Pastor Eckstein means that we are made righteous in more than a legal sense, the question is to what degree he believes this is so. Does he mean that the justified are actually made *fully* righteous in the sense that they perfectly love God with their heart, soul, mind, and strength, and that they likewise love their neighbor as themselves? In other words, does he mean to say that believers are also fully sanctified in the moment of justification? It is doubtful that he

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means this. In his *Large Catechism*, Luther described believers as those in whom "holiness has begun and is growing daily" but who look forward to a time after death when they "will come forth gloriously and arise to complete and perfect holiness in a new, eternal life." But for now, he held, "we are only halfway pure and holy." If Pastor Eckstein agrees that believers are typically only halfway holy when they die, then he faces the problem for which I have argued that purgatory is the answer.

The question of course is whether we are made fully holy with our free cooperation or by a unilateral act of God. While I agree that our wills apart from grace are bent on opposing the will of God, it does not follow from this that our free response can play no role in our salvation. Indeed, it is my view that grace restores our freedom and thereby *enables* and *encourages* us to trust and love God, but it does not *determine* us to do so. This explains why the holiness that is begun in justification sometimes grows slowly and sporadically. But if God unilaterally kills our individual sin and unbelief like a master might kill a rabid dog, it is harder to account for the uneven progress in sanctification most believers display. A rabid dog that is killed loses its bite entirely, not merely halfway.

As for the claim that the beatific vision comes into our lives through Baptism, Absolution, and Holy Communion, I am at a loss to know how to respond. Surely Pastor Eckstein does not mean that heaven is fully present in the lives of those who are only halfway holy, and who are still contending with the world, the flesh, and the devil.

In short, I think Pastor Eckstein has confused justification and sanctification. In his commendable desire to exalt God's gracious gifts to us in Christ, he has been led to make one-sided and exaggerated claims. A more balanced approach that recognizes the important role of our response in appropriating those gifts would lead him to agree that growth in holiness is indeed a matter of daily progress that must finally culminate in the perfection that God intends for us. Along that trajectory of thought lies purgatory.

Race and (True) Equality

In his discussion of Glenn Loury's *The Anatomy of Racial Inequality* (May), J. L. A. Garcia relates three axioms with which Loury begins. The second, in Garcia's words, is "that racially classified individuals have no common essence that can explain their superior or inferior social performance and achievement." Garcia goes on to say that "Loury seems not to recognize how uncontroversial [axiom two] is and how little follows from its truth." But the cited axiom is false, and much follows from its falsity.

As exhibit A, I enter into evidence the document "Mainstream Science on Intelligence," signed by fifty-two prominent experts in the study of intelligence. It first appeared in the *Wall Street Journal* on December 13, 1994, and was republished in *Intelligence*, the leading academic journal in the field. It was published as an appendix in Hans Eysenck's excellent 1998 book *A New Look at Intelligence* and is easily accessible on the Web. Eysenck relates that the document was written "to set the record straight after the media's onslaught on the [Richard] Herrnstein and [Charles] Murray book *The Bell Curve*, which showed little appreciation of the fact that the book represented mainly orthodox thinking, and gave a very accurate picture of the views held by mainstream academics."

Among the twenty-five propositions about intelligence in this document is the statement that "the bell curve for whites is centered roughly around IQ 100; the bell curve for American blacks roughly around 85." Another proposition states that "genetics plays a bigger role than does environment in creating IQ differences among individuals."

What is the significance of this largely inherited white-black difference, amounting to about one standard deviation? Proposition nine of the *Mainstream* document states that "IQ is strongly related, probably more so than any other single measurable human trait, to many important educational, occupational, economic, and social outcomes. Its relation to the welfare and performance of individuals is very strong in some areas of life (education, military training), moderate but robust in others (social competence), and modest but consistent in others (law-abidingness)."

Herrnstein and Murray demonstrated these correlations in a thorough analysis of data on whites alone. Dan Seligman, in *A Question of Intelligence* (1992), similarly points out the white-black gap of 15-18 IQ points (depending on the test) and makes this telling comment: "If you tell yourself that the top professional and managerial jobs in this country require an IQ of at least 115 or thereabouts, then you also have to tell yourself that only about two percent of blacks appear able to compete for these jobs. The comparable figure for whites would be about 16 percent." Analogous conclusions can be made about educational achievement and any area that places a premium on intelligence.

The empirical truths about the significance of intelligence for success in life and the reality of group differences in intelligence are so often ignored or denied because many people are looking for equality in the wrong places. There is true equality only on the spiritual level. The ability to apprehend multivariate calculus or dunk a basketball is not identically distributed among individuals, nor across groups. But everyone is equally created in the image of God and is loved by Him with an infinite love. And every mortal of normal mind has equal freedom and responsibility to make moral choices. (Of course people differ greatly in the degree to which their moral choices conform

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to the standard God establishes, thus making it appropriate to judge them by "the content of their characters.")

Only by acknowledging the sovereignty of the spiritual over the material (and mental) can we recognize where our true equality lies. There can be no brotherhood of man without the fatherhood of God.

Daniel Love Glazer
Northbrook, Illinois

J. L. A. Garcia replies:

Mr. Glazer raises several points.

1) My contention was that commitment to a racial essence, let alone to any essential differences between black and white people explaining their disparate social performance, was no part of the positions of most of the principal conservative writers on race—Dinesh D'Souza, Abigail and Stephen Thernstrom, Thomas Sowell, et al. It is their positions I took to be the target of Loury's argument, and I inferred it was no part of this central controversy between him and his chief adversaries. Loury emphasizes white attitudes and behavior in accounting for past and present socioeconomic inequality between blacks and whites in America; his critics largely accept similar causation for past inequality but emphasize the attitudes, values, and behavior of more than a few black people in explaining today's. I explicitly mentioned that Charles Murray's position, emphasizing allegedly inherited differences in intelligence, might differ from theirs on this point. Nothing in Mr. Glazer's letter shows that racial essentialism, which some of these conservative writers explicitly reject, is central to their project, nor that Murray's position is more important than theirs.

2) Is Murray right? Mr. Glazer observes that many statisticians of intelligence, including some prominent ones, agree with several of Murray's contentions. We might also note, however, that they have drawn much less support from many other social scientists. The dispute will not be settled by counting heads for or against Murray's claims—especially as politics plays a part on both sides—but by fair and informed assessment of the evidence. (One important critique of Murray's reasoning, reprinted and widely respected in my discipline, is that of the philosopher Ned Block in *Cognition*, 1995.) I do not pretend to expertise in the area. Suffice it to say that these are some of the problematic inferences that Mr. Glazer must defend: a) difference in intelligence from difference in IQ; b) a racial and genetic cause of this difference from a racial correlation with it; c) a "common racial essence" from a racial cause. Most important, he must show that socioeconomic inequality between blacks and whites in the U.S. is mainly owing to this purported difference. Murray and Herrnstein worried that in our information-driven age, it will be difficult to keep a difference in intelligence from being reflected socioeconomically. But even if it exists, is this differential "ability to apprehend multivariate calculus" the cause of much of today's socioeconomic disparity between races? Of 1950's? Of 1900's? Of 1850's? Recall it is such "durable inequality" that was the focus of Loury's book and the relevant part of my essay.

3) Whether or not there are such differences between racial groups, plainly people are unequal in many ways. Of course, such gaps do nothing to justify degrading social arrangements. I agree with Mr. Glazer that human freedom and responsibility, and our imaging of God and His love for us, shape our moral status and entitlements. He seems to think the latter can be recognized and appreciated only by those who acknowledge God's fatherhood and "the sovereignty of the spiritual." Maybe so, but some of us think that the moral "standard[s] God establishes" are inscribed not only in tablets and Scriptures but also in our nature and our hearts. In a time when unbelief reaches so high in our society and is lodged so deep in many of the most influential, and when consensus against racial injustice and for racial comity is so needed, let us hope we are right.

The Piepkornian Vision

In "How I Became the Catholic I Was" (April) Richard John Neuhaus refers to "the . . . synthesis of piety, clear reason, and ecclesial authority" that he discovered in the person and teaching of Arthur Carl Piepkorn, Professor of Systematic Theology at Concordia Seminary in Clayton, Missouri. Piepkorn, Father Neuhaus states, "underscored the Church's tradition prior to the Reformation, the tradition of which Lutheranism was part." In Piepkorn's synthesis, Fr. Neuhaus continues, "Lutheranism was not a new beginning, a so-called rediscovery of the gospel, by which the authentic and apostolic Church was reconstituted . . . but another chapter in the history of the one Church," which is not "a theological school of thought, or a society formed by allegiance to theological formulas—not even formulas such as 'justification by faith'—but is, rather, the historically specifiable community of ordered discipleship through time, until the end of time." This understanding, Fr. Neuhaus states, led Piepkorn to emphasize "that we are Christians first, catholic Christians second, and Lutheran Christians third." I commend Fr. Neuhaus for this faithful and felicitous summary of the teachings of his and my beloved teacher, exemplar, and father in Christ.

But then Fr. Neuhaus adds, "In this understanding the goal was to fulfill the promise of the Lutheran Reformation by bringing its gifts into full communion with the Great Tradition that is most fully and rightly ordered through time in the Roman Catholic Church."

I have no quarrel with the first part of that statement. But the last clause makes it sound as if Piepkorn believed that "the Great Tradition . . . is most fully and rightly ordered through time in the Roman Catholic Church," and that all that was needed

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to achieve Piepkorn's vision was for that Church to receive the gifts of the Lutheran Reformation.

I submit that Piepkorn's vision was at once more complex and more subtle than that. To use his words, he believed "that the Church that has existed ever since our ascended Lord commanded his disciples to be his witnesses to the end of the age continued—after the mutual excommunications of A.D. 1054—in the form of the Eastern Catholic and the Western Catholic Churches."

The Western Church in turn, Piepkorn taught, continued—after the Presentation of the Augsburg Confession at the Diet of Augsburg in 1530—in the form of the Church of the Augsburg Confession (given the name "Lutheran" by its adversaries after the death of Martin Luther).

Piepkorn also believed and taught that the Western Church continued—after *new* dogmas were promulgated by the Council of Trent in 1545-63—in the form of what we know today as the Roman Catholic Church.

In this reading, the *Roman* Catholic Church—as Piepkorn insisted his students call it—not only postdated the Church of the Augsburg Confession, but was *less* rather than more Catholic than that Church, despite the latter Church's provisional status as a confessional movement within the broader Western Church. So, unless the Roman Catholic Church made significant changes, one could only become *less*, not more, Catholic by joining it.

Of course much has changed in both churches since Piepkorn went to his everlasting reward in 1973. On the positive side, the Roman Catholic Church and the Church of the Augsburg Confession have even agreed on the formula, if not on the precise meaning, of "justification by grace through faith" (which, according to Piepkorn, is the scripturally correct wording).

On the negative side, I doubt that Fr. Neuhaus would deny that novel teachings in the branch of Lutheranism that he joined after Piepkorn's death played a not insignificant role in his 1990 decision to join the Roman Catholic Church.

But just as *abusus non tollit usum*, so abuses do not destroy the One, Holy, Catholic, and Apostolic Church—not in 1054, or 1530, or 1545-63, or in 2002 when Fr. Neuhaus admits to spending thirty hours a week on what may be the most severe crisis the Church has ever faced. Perhaps, just perhaps, in the century ahead that crisis will be used in God's good providence to help us achieve Piepkorn's vision of a community that will be even more fully and rightly ordered through time than any of the less than perfect communities, Eastern or Western, in which the Great Tradition continues at present.

(The Rev.) Philip J. Secker
Hope Lutheran Church
Storrs, Connecticut

RJN replies:
Pastor Secker is right. Piepkorn did sometimes assert—usually with a mischievous smile, if I recall—the priority, even chronological priority, of the Church of the Augsburg Confession. I did not and do not think that plausible since, among other reasons, "fully and rightly ordered" has from the apostolic period to the present included episcopal order in succession to the apostles. Yes, I know, Piepkorn also asserted the priority, also the chronological priority, of the presbyterial over the episcopal office. That, too, is not supported by the Great Tradition to which Piepkorn appealed. In my article, I said he was a powerful influence. I did not say I was persuaded by everything he said, nor would I speculate about what he might say today.

Faith vs. Government

Joseph Loconte's article "Keeping the Faith" (May) asserts correctly that "civil liberty and religious liberty must be defended together." But it is hard to see how religious liberty can be defended by making faith-based institutions dependent on government, which, as Christians have always known, is a primary source of danger to religious freedom.

Mr. Loconte quotes Lyman Beecher's argument that voluntary associations should be "independent of government." How can they be independent of government if they become dependent on direct government subsidies? Government will tell them whom they can hire and what they can support. No good can come of this proposal. Tax deductions and credits are a better alternative.

Joseph F. Johnston, Jr.
Alexandria, Virginia

Joseph Loconte replies:
Mr. Johnston's concerns about religious organizations becoming dependent on government are well placed. Direct government grants and contracts are the riskiest approach to supporting faith-based charities; vouchers and tax credits are the best way to avoid church-state entanglement.

Nevertheless, private giving for social services hovers at around $20 billion a year—barely five percent of the annual cost of government welfare. Relying mostly on the private sector to attack social ills made sense when America was a nineteenth-century agrarian republic, but it simply won't work today. We cannot hope to fight poverty, illegitimacy, family breakdown, or drug use without a new approach to church-state partnerships, one that engages our most humane and effective providers.

There's no reason to assume that Christian charities, especially those with orthodox views, will succumb to the smothering embrace of government benefactors. The best field research (from the University of Pennsylvania and the Center for Public Justice, for example) suggests that conservative ministries can work closely with local government, while protecting their independence and

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religious mission. Maybe it's time for a little more faith in America's Good Samaritans.

Patronizing or Appreciative?

I am an Army reservist, and I happened to read Alicia Mosier's "Standing at Attention" (May) as I was crossing the Atlantic after finishing a six-month tour of active duty with a NATO unit concerned with apprehending individuals accused of committing war crimes in Bosnia during that nation's brutal civil war. Although I'm not exactly sure what Ms. Mosier intended by her article, the overall tone struck me as patronizing and uninformed.

I found particularly distressing Ms. Mosier's almost casual repetition of the conservative canard that the NATO mission to the Balkans was "unclear," unwise, or the product of too little thought. In fact, the military mission originated as, and continues to be, the implementation of a framework for peace forged at Dayton, Ohio, under U.S. leadership. The mission so far has succeeded splendidly, in the sense that the region has enjoyed a freedom from violence for almost seven years, following a bloody conflict in which thousands upon thousands perished.

Similarly, the military was not "right-sized" down to "bare-bones levels" under the Clinton Administration. If nothing else, the current efforts to counter terrorism demonstrate that the military leviathan purchased with red ink during the Reagan years has no role in modern conflict. The troops directly involved in the "war" against terrorism number fewer than ten thousand, or hardly five percent of the Army's current size. The decisive factor in the toppling of the Taliban was the awesome firepower refined over the past ten years, not the largely immobile, encumbered ground forces that took so long to deploy during Desert Storm.

Finally, soldiers do not need or want paeans to their bravery, sacrifices, and values from those who've never served a day of their lives in uniform—they've heard them too often from draft-dodging politicians, merchants seeking to sell something, and charlatans who practice the art of "more patriotic than thou." Those who serve would rather you join them in the struggle, to share in their sacrifices, rather than utter the fulsome words that, in the end, amount to nothing.

Darrel J. Vandeveld
Erie, Pennsylvania

Alicia Mosier replies:
It is true that Bosnia is now relatively stable, thanks largely to the efforts of American troops. Whether the outcome was good, however, is a different question from whether U.S. foreign policy under Bill Clinton allowed the American people to be confident about why our troops were there in the first place.

With regard to the military's force reduction, Mr. Vandeveld takes as his example the war on terrorism. While American airpower can indeed be credited with much of the victory in Afghanistan, it is now widely recognized that our dependence on airpower and proxy forces in the winter of last year—i.e., our reluctance to use our own regular infantry—enabled many members of the Taliban and al-Qaeda to escape. If we had had more troops there from the beginning, the victory would surely have been more complete. The Secretary of Defense has argued that the military must be transformed into a lighter, more mobile, more lethal force. Transformation is one thing; neglect is another. We do not know where this war will take us, and it seems to me it would be wiser not to take for granted that every conflict can or should be managed with precision bombs and Special Forces.

Especially in the immediate aftermath of a long tour of duty far from home, it is understandable that a few paragraphs of praise from a civilian would ring hollow to Mr. Vandeveld. I certainly did not intend to patronize, nor to belittle the mission in which he has recently served. It is true, I have never been in uniform. The sacrifices of military service are nevertheless not entirely abstract to me; my fiancé, a sergeant in the 82nd Airborne, is currently serving in Afghanistan. But one need not experience something personally to understand or appreciate it, much less to be sincerely grateful.

In Defense of Bat Ye'or

The review of *Islam and Dhimmitude: Where Civilizations Collide* (Briefly Noted, May) suggests that the author, Bat Ye'or, is "unfairly critical" both of Christians "complicit in the 'Islamization' of Judaism and Christianity" and the Holy See's "solicitous" attitude toward threatened Christian communities in the Middle East. These comments are rather misguided, and reflect a lack of understanding of the historical dynamics of dhimmitude so carefully elucidated by Bat Ye'or. With meticulous documentation, Bat Ye'or makes clear that the same dhimmi Eastern Christian clerical movement that lobbied against the renunciation of the "deicide" allegation at Vatican II is also responsible for the Islamization of Judeo-Christian theology.

First, why is it not appropriate, on moral grounds, to criticize those clerics who opposed abrogation of the hateful libel branding Jews as a "deicide people"? Second, both actions, i.e., opposing the renunciation of the deicide allegation and facilitating the Islamization of Judaism and Christianity, are characteristic of the historical role assigned to dhimmi elites under Islamic rule: the promotion of Islamic interests, even at the expense of the dhimmi communities themselves.

It is also quite apparent that the Holy See's "solicitous" attitude toward Eastern Christians is more accurately characterized as an inappropriate silence regarding the persecution of

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these dwindling communities. The Holy See has not openly condemned the post-colonial resurgence of classical jihad-war ideology, or its ugly consequences, in the Middle East and North Africa. This genocidal ideology has been responsible, in large measure, for such atrocities as the massacre and enslavement of thousands of Sudanese Christians, in addition to repeated pogroms targeting Coptic Christians in Egypt.

Bat Ye'or's work is a clarion call for the Holy See (and the entire Western Christian hierarchy) to acknowledge candidly the plight of Middle Eastern Christian minorities, while lobbying aggressively for protection of their basic human rights. She argues convincingly that continued silence will allow the Islamic Middle East, already *Judenrein*, to become *Christianrein* as well.

Andrew G. Bostom, M.D.
Providence, Rhode Island

"Disproportionate" vs. "Inordinate"

While I admire Richard John Neuhaus' frank and keen insights into Jews and the Jewish community ("Don't Mention the Jews," Public Square, May), I also find some of them questionable, if not narrow-minded.

First, I often get the feeling that Father Neuhaus should get some new Jewish friends, friends more informed about everyday Jews—unless of course he doesn't understand what his current Jewish friends have told him. He might also change some of his Christian friends who have some rather odd views of Jews, views with which he seems to be sympathetic.

As a Jewish professional of some forty years, I just haven't seen Jews as self-centered, insecure, and fearful—and/or contemptuous of Christians—as Fr. Neuhaus seems to suggest. If Jews were, they would have left America long ago—unless they were masochists. Certainly, Jews wouldn't be intermarrying at the rates they are with non-Jews—and vice versa.

Of course, some Jews, particularly among the older generation, have such feelings, with a few being paranoid. But such is true of all past or present persecuted minority groups.

I am also troubled by Fr. Neuhaus' description of Jewish "disproportionate influence," as if Jews had engaged in something wrong, evil, underhanded by excelling. Fr. Neuhaus should have criticized friends who hold such views, not for saying what they believe but for believing what they said. Since when is it a sin to achieve? How can achievement in science or the arts be "inordinate"? Should, for example, Jews be excluded from medical research because some forty-five Nobelists in medicine are Jewish?

Philip Perlmutter
Newton, Massachusetts

RJN replies:
Mr. Perlmutter's point about distinguishing between "disproportionate" and "inordinate" was precisely the point of my essay. I am sorry he missed that. But I agree that I need more friends.

Does Jesus Matter to Jews?

As a Jewish reader of First Things, I found Richard John Neuhaus' brief note on "Messianic Jews" (Public Square, May) somewhat condescending as well as inaccurate. Quoting the Jewish *Forward* newspaper that Messianic Jews "deify" Jesus, Father Neuhaus finds fit to correct the paper's theology: "Like other Christians, they believe he really is true God and true man." Well, that's all well and good, but the *Forward*, rather than misapprehending Christian thought, was giving voice to the ancient Jewish stance that Christians call a man a god. The Christian (and Messianic) insistence that Jesus (as God) retained his humanity does nothing to lessen the Judaic heresy of such a position—which was the *Forward*'s point.

Much more problematic is Fr. Neuhaus' easy, self-congratulatory assertion that "the argument among Jews as to whether Jesus is or is not the Messiah has been going on for almost two thousand years." To respond journalistically: Where? When? Who? What? and How? I am familiar with attempts by *Christians* over many centuries to win Jews, debate us, convert us by force if not by persuasion, but I'd like to hear even the most elementary evidence of this extended intra-Jewish "argument" concerning the status of Jesus. As flattering as it might be for Christians to feel that the Jewish people are at all involved with Nazarene preoccupations, you'll excuse us please if we have had other matters in mind these last fifty generations. These matters include studying God's Torah and fulfilling its commandments; striving to survive in dignity amid a Jew-despising world; working to build families and communities—and now a country—that are faithful to our covenantal assignments: be a kingdom of priests, a holy nation, a light to all peoples.

Fr. Neuhaus is right about one thing: Messianic Jews are practicing Christianity, not Judaism. This is why their places of worship should not be listed under "Synagogues" in the phone book. Unfortunately, when you are the smallest of God's nations (Deuteronomy 7:7)—and living in "Christian America"—these things make a difference.

Gary Shapiro
Chicago, Illinois

RJN replies:
Of course Jews have been concerned about many other things over the centuries, but there is a history of intermittent but not insignificant argument about whether Jesus is the Messiah, stretching from Saul of Tarsus to Franz Rosenzweig, and of course including Messianic Jews and their Jewish interlocutors today.

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Antonin Scalia and His Critics: An Exchange on the Church, the Courts, and the Death Penalty

In his article "God's Justice and Ours" (FT, May), Justice Antonin Scalia states correctly, I believe, that Pope John Paul II in *Evangelium Vitae* did not intend "authoritatively to sweep aside (if one could) two thousand years of Christian teaching." Nevertheless he holds that the Pope's position in that encyclical contradicts the tradition. He therefore disagrees with my attempts to show that the Pope's teaching is compatible with the tradition. Justice Scalia and I differ not on the tradition, nor on the right of the state to impose the death penalty, but on the interpretation of John Paul II. While we agree that the Pope does not intend to overthrow the tradition, we differ on whether he contradicts it. At the same Chicago conference at which Justice Scalia originally delivered his paper, I delivered a paper of my own, explaining how I interpret the Pope. I can only summarize some of the main points in this letter.

At one point John Paul II says that the death penalty should be used only "when it would not be possible otherwise to defend society." Does this mean mere physical defense against the criminal himself? If so, capital punishment could not be warranted by other goals upheld in the tradition: deterrence of other potential offenders, the potential conversion of the convict, and especially expiation or retribution. But this narrow interpretation would run up against many biblical testimonies. St. Paul clearly teaches that the magistrate does not bear the sword in vain, but is God's minister "to execute wrath on him that doeth evil" (Romans 13:4, KJV). I agree with Justice Scalia's exegesis of this passage.

If the Pope were opposing the biblical and traditional doctrine, Catholics would be confronted by a painful dilemma: either to dissent from past teaching or to dissent from the Pope. Many might decide, with Justice Scalia, that the former had more solid warrants.

Like Justice Scalia, I doubt that the older tradition is reversible, but even if it were, I contend any ecclesiastical authority reversing it would have to propose the new doctrine with great emphasis and show why the older position is no longer tenable. In fact, however, the Pope says nothing against the traditional doctrine. In *EV* §56 he approvingly quotes the *Catechism of the Catholic Church* as saying that the primary purpose of the punishment that society inflicts is "to redress the disorder caused by the offense" (*CCC* §2266). In clarifying the meaning of "redress" the *Catechism* mentions the expiatory value of punishment.

The Pope goes on to say that society must impose adequate punishment to redress the violation of rights. Punishment, he says, is not adequate unless, among other things, it defends public order. Public order, according to the *Catechism*, ought not to be construed in a positivist or naturalist manner as mere physical protection but as including conformity with objective justice (*CCC* §2109). It is at least plausible to think, with Professor Steven Long, that when the Pope speaks of the protection of society as grounds for using the death penalty, he may have more in mind than mere physical defense against the individual criminal. To vindicate the order of justice and to sustain the moral health of society and the security of innocent persons against potential criminals it may be appropriate to punish certain crimes by death. (In saying "may be" I leave open the possibility that under certain circumstances it may not be.)

In my interpretation of the Pope I am consciously using what Joseph Cardinal Ratzinger and others have called a "hermeneutics of continuity." My desire is to be faithful both to the past and to the present teaching of the Magisterium. Catholic doctrine unquestionably develops, but every authentic development, as Cardinal Newman showed, must grow out of the past and confirm it. To contradict a doctrine is in no way to develop it.

As to the Pope's assertion that the death penalty should today be rare, I would reaffirm, against Justice Scalia, that this is to be understood as an exercise of the Pope's prudential judgment. "Prudential" has a technical theological meaning with which Justice Scalia seems not to be familiar. It refers to the application of Catholic doctrine to changing concrete circumstances. Since the Christian revelation tells us nothing about the particulars of contemporary society, the Pope and the bishops have to rely on their personal judgment as qualified spiritual leaders in making practical applications. Their prudential judgment, while it is to be respected, is not a matter of binding Catholic doctrine. To differ from such a judgment, therefore, is not to dissent from Church teaching.

It is of course possible to hold, with Justice Scalia, that the Pope is imprudent. Catholics are not obliged by their faith to hold that their pastors are always prudent. I personally agree with the Pope that the death penalty should be very rarely, if ever, applied in the United States today. In saying this I do not rely only on "steady improvements in the organization of the penal system," the motive mentioned by the Pope. I would add that limitations and deficiencies in the penal system create a danger of miscarriages of justice. In our society, moreover, the death penalty is often seen as an instrument of popular vindictiveness and retaliation rather than of divine justice, since the transcendent order of justice is not gener-

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ally recognized. The practice of capital punishment also reinforces that disrespect for human life which is all too prevalent in our society. For these and other reasons, I would be reluctant to approve of the death penalty except in cases of rare and prudential judgment assisted by the wisdom of the duly appointed pastors of the Church.

If Justice Scalia were able to accept my understanding of the Pope's position, he would, I hope, be able to withdraw what he now considers to be his "dissent." In any case, I trust that he will feel no inhibitions about continuing to serve on the Supreme Court as its most eminent defender of constitutional government.

Avery Cardinal Dulles, S.J.
Fordham University
Bronx, New York

Justice Scalia's argument about the death penalty has two aspects. The first concerns the duty of the judge; the second has to do with the respect owed by Catholics to the Pope's call for the virtual abolition of the penalty in *Evangelium Vitae.*

As to the first, the duty of the judge, there can, it seems to me, be no reasonable disagreement. The Constitution several times explicitly recognizes capital punishment, leaving legislatures free to choose or reject that sanction. Most American legislatures have chosen it. By what warrant, then, can a Justice of the Supreme Court abolish what the Constitution allows and legislatures have chosen? No such warrant exists. Those Justices who have in the past announced that they would never uphold the imposition of the death penalty but would declare it unconstitutional—William Brennan, Thurgood Marshall, and Harry Blackmun, for example—were, to that extent, no more and no less than civil disobedients. In fact, such lawless magistrates are more reprehensible and more dangerous than the civil disobedients of the streets, for the magistrates, though sworn to uphold the law, instead attack the law from within and are immune to the punishments their brethren of the streets may receive.

It is common for a lawless judge to justify his vote by claiming that "our morality has evolved," so that the death penalty is now barred by the Eighth Amendment's proscription of "cruel and unusual punishments." Hence it does not matter that the ratifiers who made the Constitution law decreed that capital punishment was legitimate. There are at least two problems with that assertion. A flat statement of law cannot "evolve." The words are what they are and mean what they were understood to mean when they were adopted. But grant the premise that meaning changes as morality changes. Even so, the unconstitutionality of capital punishment does not follow. If, in fact, capital punishment were inconsistent with "our evolving morality," there would be no death penalty statutes on the books. Legislators would not enact them. Yet many states and Congress have done so, which shows where, in fact, our morality stands. When a Justice says "our" morality has evolved, it means only that *his* morality opposes the sanction, a fact that may be of interest to his biographer but is legally irrelevant.

What, then, is a Catholic judge to do if the Church now, for the first time in two thousand years, makes the condemnation of capital punishment binding on Catholics? Justice Scalia is absolutely right. He must either violate his duty as a Catholic or his duty as a judge. If neither of those choices is acceptable, and neither should be, his only alternative is to resign. A halfway measure, disqualifying himself in capital cases, would be an unacceptable evasion of responsibility, for that might often mean that the death penalty would be overthrown by other judges. Recusal would then enable an unconstitutional action by a court.

Justice Scalia's position has been subjected to a vigorous attack by Denver Archbishop Charles Chaput. Arguing that "if we say we're Catholic, we need to act like it," the Archbishop goes on to say that "when Catholic Supreme Court Justice Antonin Scalia publicly disputes Church teaching on the death penalty, the message he sends is not all that different from Frances Kissling disputing what the Church teaches about abortion. Obviously, I don't mean that abortion and the death penalty are identical issues. They're not, and they don't have equivalent moral gravity. But the impulse to pick and choose what we're going to accept is exactly the same kind of 'cafeteria Catholicism' in both cases."

That is pretty rough talk, and, in my non-Catholic view, wholly unjustified. The Church has firmly opposed abortion from its earliest days. It has also favored the death penalty for two thousand years—until now. I leave to others the question whether two millennia of Church teaching can be swept aside, indeed reversed, so easily by today's Pope. It is not clear, of course, that John Paul II has tried to change Church teaching in a way that binds Catholics. John Cardinal O'Connor thought the Pope had not done so. That must be reassuring for Catholic judges, jurors, legislators, government executives, and those who execute the sentence.

But that is only partly my point. My difficulty has to do with the Church adopting positions that may be taken to be binding on public affairs when it has no special, or sometimes even an adequate, understanding of the subject. If the Pope or the bishops express opinions on such matters, that is certainly their right. But they should be owed no particular deference, either by Catholics or others.

Look at the Pope's words in *Evangelium Vitae*: The state "ought not go to the extreme of executing the offender except in cases of absolute necessity: *in other words, when it would not be possible otherwise to defend society. Today, however, as a result of steady improvements in the organization of the penal sys-*

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tem, such cases are rare, if not practically nonexistent." (Emphases deleted and added.) Two things are to be noted. First, imprisonment does not exact just retribution for particularly horrible crimes. Death penalty cases involve crimes of almost unbelievable savagery and brutality. Richard Speck, who butchered eight student nurses in their apartment, enjoyed narcotics parties with other inmates. Charles Manson, being bisexual, has found prison no great ordeal. He and his disciples murdered the pregnant Sharon Tate and four others in her home. I argued a case for the government in which the defendant had told friends that he wanted sex with a young girl, went to a public swimming pool, seized a ten-year-old girl, threw her in the back of his pickup truck, drove her through town while she screamed futilely for help, took her to a river, raped her, drowned her, and then bought beer to drink while sharing his happy recollection with friends. If ever a man deserved the death sentence, he did, and he got it.

Life imprisonment does not, in any event, fully protect society. Imprisoned murderers have killed guards and other prisoners. They have been paroled or escaped and killed again. Just two years ago, seven hardened criminals, one of whom was serving eighteen life sentences, escaped from a maximum-security Texas prison. A few weeks later, while robbing a sporting goods store, they killed a police officer, shooting him thirteen times and then driving over his body. The blood of the murderers' new victims is at least partially on the hands of those who make the execution of such killers impossible.

An additional problem with the Pope's statement is that it rests upon a prudential judgment that he is no more qualified to make than we are. The Church is not only a spiritual body representing Christ on earth but also a quite human political and cultural institution. As such, it resembles the judicial system in being vulnerable to the tides of the culture, particularly the culture of the intelligentsia. Archbishop Chaput would place the Church's prudential judgments, influenced less by traditional Christian thought than by current social nostrums, on the same level as pronouncements about faith and morals. He notes that William Buckley did not admire the economics in Pope John XXIII's encyclical *Mater et Magistra* and wrote a famous column, "Mater si, Magistra no!" The Archbishop asserted that Buckley was, for that reason, a "cafeteria Catholic."

This comes close to being intolerable. If the Church does not understand basic economics, it is worse than folly to insist that Catholics must believe what they know to be wrong and which no spiritual authority can make right. The American bishops have held forth in an uninformed manner not only about economics but about nuclear weaponry. Chaput himself has said Catholics have "listened to the world too politely when it lies" about "the death penalty, or our obligations to the poor, or the rights of undocumented workers, or the real meaning of pluralism, or our international responsibilities"; they should have "shouted out the truth." The Church does not have any monopoly on truth about our obligations to the poor, the rights of undocumented workers (a.k.a. illegal aliens), the real meaning of pluralism, or our international responsibilities. These are matters of prudential judgment and the Church should not attempt to foreclose discussion as if correct answers are known only to the clergy.

These are not matters of concern only to Catholics. My interests as a citizen are diminished if Catholics who would otherwise agree with me feel compelled to vote the other way by a Pope's pronouncement on issues outside his jurisdiction. The opinions expressed in *Evangelium Vitae* about the death penalty are to be regretted, because spiritual authority, though it should not, tends to be confused with secular prudential thought. The Pope's opinion need be accorded only the respect that it deserves on the merits of his argument.

Robert H. Bork
American Enterprise Institute
Washington, D.C.

I once met a man who argued not only that the Bible is historically accurate in every detail, that biblical criticism is wrong, and that the Church is a corruption of the Christian message, but also that one very specific version of the Bible is the only really inspired collection of God's word—the King James Version.

I remembered him as I read "God's Justice and Ours."

In his article, Justice Antonin Scalia says that "the Constitution that I interpret and apply is not living but dead—or as I prefer to put it, enduring." Justice Scalia is an impressive thinker and a gifted jurist. But on this point, among others, he does not entirely make sense.

Documents like the Constitution endure because they are alive, not dead. One proof of life is their ability to inspire and guide people with permanent principles, while having the flexibility to speak to new circumstances and understandings.

Justice Scalia is right to be wary of those who see the Constitution as a kind of modeling clay in the hands of judicial activists. He's also right that judges take an oath to uphold and apply the law, whether a particular law offends their religious convictions or not. But many supporters of the Constitution as a "living document" do *not* believe that "it means what it ought to mean." They *do* believe that not even the Framers have a right to a dictatorship of meaning.

The text of the Constitution interacts all the time with the checks and balances of common sense, objective morality, and practical experience—not only in the minds of legislators, but also in the minds of judges. What separates judges from technicians is their ability to reflect on the intent and purpose of the law in the light of a living culture. To suggest that a

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judge's religious faith should play *no* role in this reflection seems certain to ensure that we get schizophrenic judges with two sets of convictions, public and personal.

We've heard similar arguments before from political figures like Mario Cuomo and John Kennedy, with unhappy results. And while it's true that judges and elected officials have very different duties in our public life, the tension between personal conviction and public responsibility is the same. Justice Scalia has raised a vitally important point here, because—as he surely knows—faith, if real, should inform every aspect of a Catholic's life. What exactly does that mean for a judge? I'd be interested in hearing how he manages the wall of separation in his own life. This deserves more discussion.

I agree with Justice Scalia that it's no accident that "the modern view that the death penalty is immoral is centered in the West." But he's wrong in his understanding of why. First, while Europe may be secular today, its moral pedigree is still largely Christian. Second, much of the twentieth century in Europe is a story of war, genocide, and political repression—one hundred years of state-sponsored violence against the human person in the name of collective ideals. European revulsion for the death penalty is one of the by-products of that pervasive violence. More importantly for Christians, the sanctity of the human person—every human person, including murderers—has been underlined by a century of bloodshed.

Humans learn the hard way, but eventually we do learn. We no longer have slaves. We no longer hang horse thieves. We no longer (intentionally) mistreat the mentally disabled. Moral reflection and development have always been integral to Christian life. Justice Scalia notes that Church teaching against the death penalty is a recent development, and that Scripture and Catholic tradition have always supported the legitimacy of capital punishment. Of course, that's true. But that doesn't preclude the Church from deepening her understanding of when or if this punishment should be applied. When Justice Scalia calls for "new staffers at the Congregation of Prudence in the Vatican," he not only diminishes his own credibility with unseemly sarcasm, he also reveals his own flawed understanding of who the Church really is and why she teaches with authority. In fact, in her teaching on this issue, the Church is being exactly who Christ founded her to be—a mother who observes, reflects, and then guides us in the light of revealed truth and lived experience.

In a practical sense, that's what Catholic tradition is—the wisdom gained from hearing the truth and then living it in the world, generation after generation. Revelation ended with the death of the last apostle, but our understanding and application of God's living word did not. This is why Catholic doctrine, unlike Justice Scalia's sense of the Constitution, is not dead.

Archbishop Charles J. Chaput, O.F.M. Cap.
Denver, Colorado

Antonin Scalia is a man of justice and of faith. It is not surprising, therefore, that he would take both seriously and labor mightily to reconcile them. His comments in "God's Justice and Ours" could not be more timely. Our nation is under attack from terrorists who hate us simply because of who we are. To effectively respond—militarily and otherwise—we therefore need to have a clear idea of exactly what it means to be American. Rightly, I think, President Bush has described us as aligned with the forces of good, rather than evil, but insofar as the attackers also made claim to this alignment, some ascertainment of morality and the good and its relationship to lawful authority is indispensable.

If ever there was someone capable of this, it is Justice Scalia. Yet one would not know this from some of the public reaction to his remarks at the Chicago Divinity School that became the basis of his essay in First Things. There, by elaborate reasoning, Justice Scalia determined that the death penalty is neither intrinsically immoral nor contrary to Catholic teaching. If it were, he speculated, American Catholics would be ineligible to go on the bench in all jurisdictions imposing the death penalty. Mysteriously, liberal secularists somehow deduce from these comments a covert desire to subvert democracy in favor of the "divine right of kings" or at least judges. Many Catholics were also puzzled, perceiving tension between the Justice's words and the Holy Father's instruction in encyclical writing that the death penalty should be rarely, if ever, applied.

Putting aside for the moment what the Catholic Church teaches on the death penalty, Justice Scalia is surely correct that trial judges and jurors imposing a capital sentence are the direct agents in capital sentencing, and therefore must take moral responsibility for any such sentence imposed. The Justice may also be right that appellate judges materially cooperate in it, though recent rulings of the Supreme Court may mitigate that since the jury is now clearly charged with finding all of the essential facts for imposing the penalty. Be that as it may, Justice Scalia proclaims that he "could not take part in that process if [he] believed what was being done to be immoral."

So is it? Reasoning from canonical instruction that the encyclical *Evangelium Vitae* in which this subject is briefly taken up by the Holy Father is not binding in the same sense as the Church's teaching on abortion, Justice Scalia finds within the longer tradition of the Church at least two justifications for capital punishment: first, as a necessary defense of society where that is otherwise impossible (something the Holy Father admits, but only narrowly), and second, as a just societal retribution lawfully imposed.

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For Justice Scalia, society has greater moral latitude than does an individual in matters of life or death. The question is, Why? It cannot be simply a matter of aggregate numbers or majority will, since as the Holy Father has reminded us time and again, democracy unattached to objective moral standards all too easily degenerates into simply another form of totalitarianism. Hearing an affirmation of this from Justice Scalia is welcome, since his repeated denunciations of the notion of a "living constitution"—e.g., one that reflects the predilections of living justices, rather than constitutional text—has sometimes led even his admirers (like me) to wonder if he doesn't place too much faith in positivism. As we know from slavery, the positive or legal authorization of a practice doesn't make it right.

No, American democracy has greater moral authority, writes Justice Scalia, since ultimately the authority exercised by the people thereunder is derived from God. Of course, currently—or at least out in California and the rest of the Ninth Circuit—pledging allegiance to this nation "under God" is momentarily unconstitutional. Yet Justice Scalia knows better, reminding us of Justice William O. Douglas' opinion in the 1940s that "we are a religious people, whose institutions presuppose a Supreme Being."

This is anathema to liberal secularists. Princeton Professor Sean Wilentz, in an overheated essay in the *New York Times*, proclaimed the notion that governmental authority, democratically exercised, is traceable to God to be an "eccentric" view wholly "rejected" by the framers. Apparently, the Declaration of Independence must be missing from the shelves of the Princeton library. While Prof. Wilentz cites Jefferson for the proposition that individual civil rights do not depend upon an individual's religious opinions (and of course, they don't), he overlooks Jefferson's far different, yet equally important, self-evident truth in the Declaration that "all men are created equal, [and] that they are endowed by their Creator with certain inalienable rights." What was self-evident to the framers, neither Prof. Wilentz nor the Ninth Circuit in its errant pledge ruling seems capable of grasping; namely, that it is our equality under God that opened our forebears' eyes to the fact that no single person—be he king or justice—is "divinely" authorized to rule.

A society that is not organized upon the premise of individual right derived from a transcendent God is a society organized upon the feeble notion that rights come only by the grace of whomever happens to have enough raw power to claim to be sovereign. Such a society is one of mere force, whether it is the force of a repressive Taliban or the antebellum states. It is an enormous leap from recognizing the Creator, however, to suppose that Justice Scalia is urging individual submission to the state in the belief that the state can do no wrong. Were that silly proposition Justice Scalia's point, his repeated reminders to his colleagues that in America it is "We the people"—yes, we, those equally created people—who rule, would make little sense.

Justice Scalia may or may not be right in his interpretation of Catholic doctrine on the death penalty. Like him, I believe there is room for discernment in the penalty's application, especially in a world where those we fight against are evil—yes, thoroughly evil—because in the name of Islam they have denied the created dignity of innocent human life. Yet for Prof. Wilentz to denounce Justice Scalia as an "opportunist" who wants to impose upon the Constitution "a religious sense" is not to label but to libel.

Numerous cases in refutation could be cited, but perhaps it is enough to merely note Justice Scalia's dissent in *Atkins v. Virginia* (2002), where he again holds fast to the Constitution as written, and explicitly decries the majority justices' reliance upon the views of religious organizations. The *Atkins* majority claimed that a "national consensus" had emerged to change the constitutional text (although not by the intended constitutional means of amendment, of course, but by judicial intuition) to outlaw the capital sentencing of the mentally retarded. Factually, prior to the Court's ruling only seven states categorically prohibited the execution of the mentally retarded, which, as Justice Scalia noted, was hardly "a statement of absolute moral repugnance," let alone consensus. When the Court relied upon the amicus brief of the U.S. Conference of Catholic Bishops against the death penalty as evidence of consensus, Justice Scalia did not seek to impose the views of his fellow religious, but wrote: "The attitudes of that body regarding crime and punishment are so far from being representative, even of the views of Catholics, that they are currently the object of intense national (and entirely ecumenical) criticism." Too harshly stated for me, but it is hardly a statement that seems calculated to impose "views about government and divinity" upon the body politic, as Wilentz asserts.

In the end, Justice Scalia urges his fellow citizens to resist the effacement of God from American democracy. Freedom of religion permits this, of course; it does not ensure it. The most effective way to combat error with self-evident truth is to bring moral insight to bear upon legislative enactment, and in that exercise of free will among believers and unbelievers alike, do the best we can to find our way. In this, we should not expect Justice Scalia or the Court he sits on to bail us out. He has thoughtfully explained why.

Douglas W. Kmiec
Dean & St. Thomas More Professor
School of Law
Catholic University of America
Washington, D.C.

Justice Scalia's comments on the death penalty are written from the

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perspectives of a Supreme Court Justice and practicing Catholic trying to reconcile his varying loyalties to the United States Constitution, the teaching magisterium of the Roman Catholic Church, and the Pope. As a Protestant Christian, I cannot enter into the debate as to which pronouncements of the Roman Catholic Church are binding, as I do not believe that the Roman Church (nor my own church!) possesses the gift of infallibility. However, I do believe that church tradition is a very reliable teacher. Thus, where the Church has generally taught a certain way on a matter over a long period of time in a variety of cultures and historical epochs, it would take an extraordinary justification for myself as an individual, or any subgroup within the broader Christian Church, to claim that Scripture teaches otherwise. From this perspective, official Roman Catholic teaching that is in accord with historical traditions of the Church is highly reliable. What, however, am I to make of recent Roman Catholic pronouncements on the death penalty, which appear out of accord with the practices of every historical Christian civilization, whether Roman Catholic, Protestant, or Orthodox?

I agree with Justice Scalia that both the Old Testament and the New Testament teach that the state possesses the authority to employ death as a form of retributive punishment. I do not find within *Evangelium Vitae* any explanation as to why this authority would not exist in the contemporary world, nor any explanation of why retribution would not render the death penalty proper for at least some crimes. Thus, as a non-Catholic, I would say that *Evangelium Vitae* seems to fudge, rather than to contradict, the scriptural and traditional teachings that the state possesses the authority to execute, and that retributive justice can support the death penalty.

However, Pope John II's prudential argument against the death penalty is intriguing. The death penalty should generally not be employed, he seems to imply, both because it is no longer necessary to the protective function of the state, and also because its use (particularly when unnecessary to protect human life) has the inadvertent cultural impact of furthering the culture of death represented by practices such as abortion and euthanasia.

By contrast, Justice Scalia suggests that the popularity of the death penalty in the United States is a sign that Americans still discern God's authority over and behind the state; from this perspective maintenance of the death penalty is a helpful antidote to the democratic tendency to forget that God's authority (rather than the people's authority) is the ultimate foundation of state authority. Justice Scalia further suggests that the Pope's judgment, having originated in Europe, be taken as applicable within "secular Europe." Thus, Justice Scalia implies that this kind of prudential judgment must be localized, since the factors involved are variable rather than universal.

Therefore, I am faced with a choice between Pope John Paul II's prudential judgment that the death penalty under present circumstances aids the culture of death, and Justice Scalia's prudential judgment that, at least within the United States, the death penalty helpfully reminds the people of God's authority. I would generally side with the Pope, not because I believe the death penalty to be always immoral, but because I believe the capacity of the Church to speak the Word of Life to our particular culture is best served by opposition to our system of capital punishment, particularly given the obvious flaws within our criminal justice system. However, I would add that such a prudential judgment would not, and could not, bind Justice Scalia, nor make his conclusion that the Constitution permits various instances of the death penalty immoral.

It is interesting that Justice Scalia, of all people, finds that democracy distorts the Christian understanding of the state. Justice Scalia usually advocates a democratic positivism that leaves little room for natural law principles in the interpretation or application of the law. If democracy progressively corrupts the people, as he now implies, then judges will eventually face the prospect of enforcing democratically created norms that are fundamentally immoral. While Justice Scalia would probably find judges more prone to corruption than the people, this new attention to the flaws of democracy suggests the possibility of a tragic flaw in a positivist democratic jurisprudence.

David Smolin
Cumberland Law School
Samford University
Birmingham, Alabama

Justice Antonin Scalia argues that according to *Evangelium Vitae* the death penalty falls wholly under the idea of defense. Having at first read the document in this manner myself, I find it quite understandable that he should do so. But this reading neglects a critical passage of the encyclical that manifests not simply the impossibility but the preposterousness of this interpretation.

One should note the following words of the encyclical with great care:

> Moreover, "legitimate defense can be not only a right but a grave duty for someone responsible for another's life, the common good of the family, or of the State." [§44] Unfortunately it happens that the need to render the aggressor incapable of causing harm sometimes involves taking his life. In this case, the fatal outcome is attributable to the aggressor whose action brought it about, even though he may not be morally responsible because of a lack of the use of reason. [§45]

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Clearly the idea of defense in its garden variety or ordinary meaning is that of stopping an assailant. And, as the encyclical points out quite clearly, one may under certain circumstances kill an assailant who is morally irresponsible in order to stop an assault on the innocent. Hence clearly the idea of defense is utterly distinct from judicial penalty, because defense—as the encyclical points out—does not necessitate any prior judgment as to the moral guilt or innocence of the assailant. But clearly a judicial sentence of death followed by a legal imposition of the death penalty pursuant to such a sentence would never be just in the case of one who was not morally responsible. Whereas, in defense, there is no judicial sentence, no simple intent to kill, but only action proportionate to the end of defense. The governing idea of defense is one of stopping an assault with no necessary reference to any prior judgment of guilt.

If the death penalty truly were meant to be included within the category of defense, then this idea of defense—according to which a person may at times justly be killed prior to any judgment of moral culpability—would apply to the death penalty. Recall the words of the encyclical about defense: "The fatal outcome is attributable to the aggressor whose action brought it about, even though he may not be morally responsible because of a lack of the use of reason."

Justice Scalia must logically hold either 1) that Pope John Paul II cannot distinguish between the nature of defense and the nature of legal penalty, or 2) that the Pope's teaching logically countenances a legal penalty of death levied upon someone in the absence of a prior judgment of guilt—because, as *Evangelium Vitae* itself teaches, justified killing in defense does not necessarily presuppose any judgment of guilt. But manifestly neither of these options is true. Ergo we ought not suppose that the encyclical denies the retributive nature of the death penalty.

There remains the question why the secondary purpose of defense is so stressed in the encyclical. The Magisterium is the great doctrinal organ of the intelligibility and coherence of tradition, and is charged with its preservation and perfection. If there is a way to read the encyclical on this point that does not require ignoring critical elements of its text nor necessitate the view that it mutates a doctrinal consensus of two thousand years, that—most certainly—is the proper way to read the encyclical.

But there is such a reading, as my essay in the *Thomist* ("*Evangelium Vitae*, St. Thomas Aquinas, and the Death Penalty," October 1999) has argued with the appropriate detail. Within a culture of death where wrongful homicide (abortion) is privatized by the state, the state tacitly assumes to itself the authority to license that which no state can authorize. But when wrongful homicide is legally affirmed and protected as a right, the primary medicinal end of the death penalty—to manifest a transcendent norm of justice within society—is as a prudential matter gravely impeded. Within such a society it is in a sense an accident that the one being executed is actually guilty, for the state legally permits thousands of wrongful homicides. The radical devaluation of life and the loss of any transcendent referent for the common good impair the prime medicinal purpose of the death penalty.

The death penalty may still be just for the individual felon. But we are not free according to Catholic tradition itself—as articulated by the Common Doctor of the Church, St. Thomas Aquinas—to impose a penalty without considering its effect on the common good. And the foremost medicinal effect is one that builds on and presupposes retribution: the manifestation of a transcendent norm of justice within society. This is a "truth manifestative" end of penalty that encourages social solidarity in the good. Absent this prime medicinal end, the remaining medicinal considerations left to deliberate upon pertain to deterrence and social defense. The manifestation of justice by the death penalty requires the precise elements that are obscured within the culture of death—understanding of the dignity of human life and of legal order as participating in transcendent moral law.

Justice Scalia has remarked in a letter to the *National Catholic Register* that the death penalty was valid even under Nero. Indeed it was. But when he was lighting up the night sky burning Christians to death at his garden parties, this doubtlessly affected the capacity of the death penalty to socially manifest justice—even where the penalty was actually deserved. The death penalty likewise is valid today, but the prudence of its application is affected by the culture of death.

The real subject of disagreement is not the doctrinal validity of the

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death penalty. Rather it is the coherence of Church teaching and tradition, and the prudential realism of our response to the culture of death.

Steven Long
Department of Philosophy
University of St. Thomas
St. Paul, Minnesota

Regardless of what the Supreme Court has said on the subject of abortion, I think Justice Scalia and I agree that abortion is wrong. But the problem is that while Justice Scalia chooses to separate his personal view from his "job" as a Supreme Court Justice when writing or speaking about abortion, he doesn't carry this personal philosophy forward consistently.

Justice Scalia claims that a judge who believes the death penalty is immoral should resign. But what about the judge who believes that abortion is an immoral act of killing an innocent person? Shouldn't that judge resign as well? Why is one type of execution so profoundly complex that personal beliefs should determine who remains and who leaves the bench, while the other is not?

I ask this question hypothetically, of course, because we know that the laws of the United States permit capital punishment, and they also permit abortion (though the latter is never described by judges as killing innocent persons). Long ago the Justices of the Supreme Court chose to avoid addressing the humanity of the child before birth. And to this day a majority of Supreme Court Justices have persisted in the sham. But for the judge who understands the fact that a person is a person at the very beginning of his life, isn't it equally incumbent upon him, if not more so, to act in conformity with those beliefs and resign from the bench?

My second point is far less ominous but no less troubling. Justice Scalia argues that our nation is basically a democracy that reveres God and chooses to remind itself of His power by slogans such as "In God we trust." I think Justice Scalia is suggesting that the state's authority derives from God, and so the state has the authority to deprive citizens of their lives for the sake of justice. How odd.

The United States, by judicial fiat, protects acts that destroy innocent people on a scale of more than four thousand surgical abortions per day. Clearly a system of so-called justice that permits such acts has no moral authority, nor can it legitimately claim a trust in God. For as Pope John Paul II teaches in *Evangelium Vitae* (§5), justice can be found only when every human life is respected, protected, loved, and served.

Justice is a virtue, and it cannot be exercised by a system that condones the mass killing of an entire class of people. The Holy Father has called such a system a "tragic caricature of legality." He asks, "How is it still possible to speak of the dignity of every human person when the killing of the weakest and most innocent is permitted? In the name of what justice is the most unjust of discriminations practiced: some individuals are held to be deserving of defense and others are denied that dignity?" (*Evangelium Vitae* §20)

Pope John Paul II did not rescind the traditional teachings of the Church regarding the use of the death penalty. The *Catechism of the Catholic Church* and the Pope affirm that the state has the right to exact the death penalty. Nations have the right to just war and individuals have the right to self-defense. What the Holy Father does teach, and what the *Catechism* confirms, is that one must take into account the conditions of modern society, which do make it harder and harder to argue that a particular act of capital punishment is circumstantially necessary.

Judie Brown
President
American Life League, Inc.
Stafford, Virginia

Justice Antonin Scalia is, of course, correct to distinguish between the Church's condemnation of intrinsic evils such as abortion, euthanasia, and artificial contraception and the restrictions placed on the use of capital punishment by *Evangelium Vitae* and the *Catechism of the Catholic Church.* Some of his assertions, though, are open to question.

Justice Scalia refers several times to an alleged 2,000-year-old Church tradition in support of capital punishment for the purpose of retribution. A distinction, however, must be made between a theological tradition and a magisterial tradition. While numerous Catholic saints and theologians (e.g., St. Thomas Aquinas, St. Thomas More, and St. Robert Bellarmine) have supported the use of the death penalty, there does not seem to be a continuous magisterial tradition affirming the death penalty as necessarily linked to retribution.

It is true that Pope Innocent III, in his 1210 Profession of Faith for the Waldensians, declared that the secular power could exercise a judgment of blood without mortal sin. However, he did not specify how, when, or for what purpose this punishment should be used except that it should be carried out "not out of hatred, but judiciously, not incautiously, but with reflection." The Roman Catechism of 1566 lists "the execution of criminals" as an exception to the commandment "thou shalt not kill," but it places such punishment within the larger purpose of preserving human life and safety. In his September 13, 1952 address to medical professionals, Pius XII makes a passing reference to a criminal forfeiting his right to life by his crime. But he does so only to emphasize that the state, in itself, does not possess the competence to dispose of an individual's right to life. This hardly qualifies as a magisterial declaration that the death penalty must be linked with retribution.

In 1974, after a resolution against capital punishment by the U.S. bish-

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ops conference passed by a vote of 108 to 63, some American prelates sought assistance from Rome to find out whether such a position was consistent with the Catholic tradition. A response prepared by the Pontifical Commission for Justice and Peace made the following four points:

> 1) The Church has never directly addressed the question of the state's right to exercise the death penalty; 2) The Church has never condemned its use by the state; 3) The Church has condemned the denial of that right; 4) Recent popes have stressed the rights of the person and the medicinal role of punishment.

Clearly the Pontifical Commission did not find evidence of the 2,000-year-old tradition of which Justice Scalia speaks. The most that can be claimed is recognition of the state's theoretical right to use the death penalty. Under what circumstances this punishment can or should be used does not seem to have been the object of any previous magisterial declaration. Thus, *Evangelium Vitae* makes no attempt (*pace* Scalia) to "sweep aside two thousand years of Christian teaching." Instead, John Paul II tries to specify when the death penalty could be justly used, viz., when it is the only possible way of effectively defending human lives against the unjust aggressor.

Are there any precedents in the Catholic tradition for John Paul II's position? Statements made by St. Justin Martyr, Athenagoras, Lactantius, and St. Cyprian of Carthage suggest efforts to distance early Christians from all killing, including the execution of criminals. St. Ambrose, cited in *Evangelium Vitae* §9, appeals to the protection of Cain as evidence of God's preference for the correction rather than the death of a sinner. Even St. Augustine is not always consistent. While he supports the right of the state to use capital punishment, in Sermon 13, no. 8, he exhorts: "Do not have a person put to death, and you will have someone who can be reformed." This anticipates the teaching of *Evangelium Vitae* §27, viz., we should seek to render "criminals harmless without definitively denying them the chance to reform."

Catholics should be grateful for Justice Scalia's recognition that a "right to abortion" is found nowhere in the U.S. Constitution. However, we should be less enthusiastic about his apparent claim that the Vicar of Christ has now attempted to "sweep aside" a 2,000-year-old tradition in support of capital punishment. What John Paul II teaches in *Evangelium Vitae* §56 is in perfect harmony with what his ninth-century predecessor Pope St. Nicholas I taught on the subject:

> . . . without hesitation and in every possible circumstance, save the life of the body and soul of each individual. *You should save from death not only the innocent but also criminals*, because Christ has saved you from the death of the soul (emphasis added).

Robert Fastiggi
Associate Professor of Systematic Theology
Sacred Heart Major Seminary
Detroit, Michigan

I was shocked, not by the views Justice Scalia expressed in "God's Justice and Ours," but by his sloppiness.

Justice Scalia cites Romans 13 as evidence of biblical sanction for the death penalty, saying that "It is the 'minister of God' with powers to 'revenge,' to 'execute wrath,' including even wrath by the sword (which is unmistakably a reference to the death penalty)." This is nonsense. The passage has always been understood to refer to what Paul says he is talking about, the rulers of a state. These rulers "bear the sword" in the sense that they bear the power of the state. The sword will be used to maintain order against criminals and rebels. This use must refer to police and military powers used to apprehend criminals and defeat uprisings. It certainly need not refer to the death penalty: of course the ruler may impose such a penalty, but the use of state violence to maintain order has no necessary reference to the death penalty. So the passage cannot imply that rulers, or ministers of God, inflict such a penalty.

Paul is endorsing obedience to rulers, whether or not they use the death penalty. This cannot be read as endorsement of the death penalty. That Paul would have endorsed it is quite plausible; that he did endorse it in Romans 13 is absurd.

Michael Neumann
Associate Professor of Philosophy
Trent University
Peterborough, Ontario
Canada

Antonin Scalia replies:

Let me begin with Robert Fastiggi's assertion that there is only a theological and not a magisterial tradition affirming retribution as adequate basis for the death penalty. It is easy enough to draw a line between the theological and the magisterial when one is talking about a doctrine that does not affect daily human action—the existence of limbo, for example. It is a lot harder to draw the line, and the attempt to do so begins to resemble sophistry, when the assertedly "theological" point is the only justification for a practice (the death penalty for evildoing, where incarceration or exile would fully serve the "defensive" purpose of punishment) indulged in throughout Christendom, with the approval of the Church.

But in any case, there seems to me no doubt that the death penalty as retribution was, formally and explicitly, Church teaching. The Church taught 1) that the death penalty is lawful punishment (Professor Fastiggi acknowledges this) and 2) that the

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primary function of punishment is "to redress the disorder" caused by the offense. (This latter point was in earlier catechisms, and continues to be taught in the current one, §2266. It is a point central to Christian doctrine; without it, there would have been no need for a redeemer.) To announce an exception to this second point for one punishment, the death penalty, as to which "defense of society" is the primary function, is to revise Church *teaching*. Of course much of the "theological" tradition Prof. Fastiggi refers to relies upon St. Paul's letter to the Romans (the ruler "beareth not the sword in vain: for he is the minister of God, a revenger to execute wrath upon him that doeth evil")—which is not mentioned by Prof. Fastiggi but sounds pretty "magisterial" to me. Avery Cardinal Dulles, I should point out, agrees that this has been Church teaching.

As for Michael Neumann's contention that the above quoted passage from Paul refers to the sword as merely a means of "apprehend[ing] criminals and defeat[ing] uprisings": to read the passage is to see that he is wrong. The word "for" (the Greek *gar*, meaning "for" or "since") links the bearing of the sword to vengeance, and to the execution of wrath upon evildoers. To think that this means the sword is to be used for rounding up these naughty miscreants, so that the wrath of jail-time, or perhaps fine, can be executed upon them, is—Prof. Neumann has given me *just* the right word for it—"absurd." Again, Cardinal Dulles agrees with me on this interpretation of St. Paul.

I wish I could accept Cardinal Dulles' view that *Evangelium Vitae* did not repudiate retribution as justification for the death penalty, but rather merely expressed the prudential judgment that in modern circumstances that justification should rarely, if ever, be invoked. It seems to me, however, that this interpretation fits neither the text nor the reasoning of the document. The text limits the permissibility of the sanction to one situation: "when it would not be possible otherwise to *defend society*." No reasonable speaker, much less careful draftsman of an encyclical, would use that language to describe or include the goal of *retribution*. To the contrary, *defending society*—through incapacitation and rehabilitation of the offender, and imposition of punishment sufficient to deter future offenders—is ordinarily set forth as the very antithesis of the goal of *exacting retribution*.

As for the reasoning of the document: the sole reason given for the conclusion that, in modern circumstances, the death penalty will "rarely, if ever" be justified is "steady improvements in the organization of the penal system." This reason has much to do with eliminating the death penalty as a means of *defending society* in the sense described above: modern states are equipped to incapacitate and deter offenders via long-term imprisonment rather than execution. It has nothing to do, however, with eliminating the death penalty as the only appropriate *retribution* for certain crimes. Thus, if not merely defense but also retribution were considered to be a proper goal of capital punishment, the encyclical's reason as to why capital punishment is no longer necessary would be incoherent, purporting to address the whole problem but in fact addressing only half of it. Rather like saying that hats will rarely, if ever, be needed in Alaska because the sun does not get that hot. (As for Steven Long's explanation of why the encyclical must be deemed to approve retribution, it mistakes the issue. The question is not whether there must be some retributive element when the penal system kills in defense of society; it is whether the retributive element *justifies* the punishment in the *absence* of a "defense of society" rationale.)

Let me turn next to the comments of Archbishop Charles J. Chaput. First, a response to his scold on my use of sarcasm: far from thinking it "unseemly" to call for "new staffers at the Congregation of Prudence in the Vatican," I thought it quite diplomatic. The sarcasm was, of course, a rhetorical device, encapsulating in a brief and humorous remark what it would take several dull sentences to explain. The notion of a Congregation of Prudence tickles the funnybone precisely because it is blindingly obvious that the clergy (who are expert in such matters as theology, scriptural exegesis, religious education, and propagation of the faith) have no special claim to prudence. I was making, in other words, one of the points elaborated upon in Judge Robert Bork's letter—but concisely and (I flatter myself) wittily. I was also making it diplomatically, because in attributing what I consider the encyclical's error to anonymous draftsmen in an imaginary Vatican bureaucracy I was avoiding saying what Judge Bork says: John Paul II has no special claim to knowing what morally permissible penal sanctions are prudent for the United States. Would Archbishop Chaput have considered that more "seemly"?

Turning to the Archbishop's comments regarding substance rather than style: it is amazing how similar are the proponents of the living Constitution and the apostles of what Archbishop Chaput calls the Church that "guides . . . in the light of revealed truth and lived experience." The Archbishop confesses to belong to both groups. As to his living constitutionalism: the Archbishop says that "the text of the Constitution interacts all the time with the checks and balances of common sense, objective morality, and practical experience. What separates judges from technicians is their ability to reflect on the intent and purpose of the law in the light of a living culture." This sounds inspiring, but I haven't the slightest idea what it means, unless it means the following: when the text of the Constitution contradicts the non-technician judge's notion of "common sense, objective morality, or practical experience" he should ig-

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nore it. And when the non-technician judge concludes that the "living culture" has developed an "intent and purpose" somewhat different from that of the Constitution, he should revise the Constitution accordingly. Thus there will be defeated the Framers' claim to a "dictatorship of meaning."

Does the Archbishop not realize that this approach is precisely what brought *Roe v. Wade*, in which non-technician judges concluded that "common sense, objective morality, and practical experience" required that they read into the Constitution a right to abortion-on-demand that those "dictatorial" Framers assuredly did not mean it (and did not write it) to contain? Why does he believe that we will in the future be governed by *good* non-technician judges of the sort who will read into the Constitution a *prohibition* of abortion that is not there, rather than *bad* non-technician judges who will read into it a *right* to abortion that also is not there? A free people should be ruled by neither sort.

As for the Archbishop's similar views on the evolution of Church doctrine: it is important to note that he does not, like Cardinal Dulles, insist that I have misread the encyclical, so that the only issue between us is the "prudential" question of how unchanging Catholic doctrine applies to new circumstances. No, he is apparently willing to accept that "restoring the public order" by exacting retribution is *not* (though the Church used to teach it was) a morally valid justification for capital punishment. The Church, he says, has simply "deepen[ed] her understanding" of this basic point of the moral law. I wonder what the Archbishop thinks of taking a life in war. Has the Church yet deepened her understanding of "when or if" that is morally permissible? And if not, when will she? If a "deepening of understanding" is to be expected, surely there is nothing wrong with parish priests anticipating that development (in light of their "lived experience") and teaching that the Quakers have been right all along. And the same, of course, with abortion. On both these subjects, as on retribution as a basis for the death penalty, the Archbishop's preferred formulation of a "deepened understanding" is nothing more than a euphemism for "the Church was wrong."

And for that reason, of course, the Catholic Church of "lived experience," unlike the "living Constitution," is a contradiction in terms. The Constitution, after all, did not purport to be right in all it said—which is why it included a provision for amendment. The Church, on the other hand, in its teaching on faith and morals, purports to be—what is that word?—infallible, and binds its adherents to that teaching. Those who follow the teaching often do so at the expense of great suffering to themselves (e.g., the teaching on divorce or abortion) or to others (e.g., the teaching on just war, or on capital punishment as retribution); and those who willfully and intentionally do not follow it bring upon themselves (the Church says) damnation. In such a scheme, there is no room for "deepened understanding" which shows that prior teaching was mistaken. Either the moral principles taught by the Church are unchanging—not their application to changing circumstances, but the moral principles themselves, such as the principle that the state can exact appropriate retribution for wrongdoing, up to and including death—or the Church is a fraud. That is why Cardinal Dulles strives so mightily to reconcile the encyclical's statement with past doctrine; and why I (who cannot honestly make that reconciliation) must regrettably think the passing observation simply wrong.

Apart from affirming that the Church has no special expertise on the subject, I take no position on the purely prudential debate—whether, although it is entirely moral to impose the death penalty, it is nonetheless a bad idea to do so. I do reject, however, two arguments in favor of abolition that have a certain theological or ecclesiastical cast to them. First, I do not agree with Prof. Long's point that state permission of abortion destroys "the primary medicinal end of the death penalty—to manifest a transcendent norm of justice." This all-or-nothing-at-all approach to transcendent justice seems to me misguided. The transcendent norm that it is wrong to kill a walking-around human being can be manifested and affirmed even though the transcendent norm that it is wrong to kill a fetus is not—just as, by the criminal laws of most Western countries, the transcendent norm that a man can have only a single wife is manifested and affirmed, even though the transcendent norm that marriage is indissoluble is not. You do what prudence allows, given the divergence of views within society regarding what *is* a transcendent norm.

I also disagree with the "seamless garment" or "culture of death" argument, which links the death penalty with approval of abortion. Anyone who thinks that the elimination of capital punishment will give the abortion-prone woman second thoughts has to be delusional. The "pro-choice" American believes as much as anyone else that life-out-of-the-womb is sacred; sparing the life of a double axe-murderer is unnecessary to drive home that point. Indeed, in my experience the abortion-rights advocate, usually a liberal, is *more likely* to abhor the death penalty than the abortion opponent, usually a conservative. What the "pro-choice" American does *not* believe is that a human fetus is as fully a human life as Uncle Charlie. Eliminating the death penalty does not remotely address that issue.

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THIS TIME

Truth, Beauty & the American Way

Alicia Mosier

Ever since the World Trade Center was destroyed, the question of what to do with the site has been at the forefront of New Yorkers' minds. The Twin Towers once stood proudly over the city; their remains—sixteen acres of ruins, a hole six stories deep—loom just as large. For the past twelve months, that hole in the ground has raised again the questions to which the towers themselves, with their bold skyward thrust and their bustle of citizens and commerce, had given powerful (and, we thought, lasting) symbolic answers. What is New York? What here do we lift up? How do we understand ourselves, and how do we communicate that understanding to the world?

In the weeks after September 11, few New Yorkers had to think twice about the answers to those questions. We are who we always were, they said: build the towers back, bigger than before. This was the city that, within minutes, chose to fly the red, white, and blue rather than the yellow ribbon, the city whose small downtown businesses, just days after the attack, put signs in their windows saying "We're still here." But that gritty confidence is no more.

In the Autumn 2001 issue of *City Journal*, Steven Malanga warned of the dangers facing New York as it planned its physical and economic comeback. He worried then that the city's antidevelopment lobby and its traditional love affair with big-government solutions would cripple the rebuilding effort both at Ground Zero and in the city as a whole. (Ironically, such trouble was written into the World Trade Center itself: in addition to reflecting the soaring spirit of American commerce, the Twin Towers also represented what Malanga calls "the quintessential New York-style centrally planned government-authority project—ill-suited for the marketplace and unsuccessful for years despite its heavy state subsidies.")

But the problem that has emerged since last fall is a more complex one—a problem not just of government but of culture. In a scathing *City Journal* essay titled "Heroic Gotham Surrenders to Defeatism," Malanga recently revisited his original concerns. Since those first weeks after the attack, he wrote, "another city has begun to emerge, displaying some of the worst tendencies of American culture, and of New York itself. This city seems uncertain about what made it great in the past, irresolute about its future, and awash in its own sense of victimization. Nowhere is that other city more evident than in the debate on how to rebuild the World Trade Center site."

It had the makings of an old-fashioned Tocquevillean event: a town hall meeting of several thousand New Yorkers, many of whom had survived or lost loved ones in the attack, gathered to discuss what they thought should be done with the land that, in both its past and present forms, is so much at the heart of their city. The very idea was enough to make one proud. What an American thing it is, after all, to talk together about who we are, to discuss our visions of how to express our identity—how *we* want that day to be remembered—in what will be one of the most important public projects in the nation's history.

Whatever expectations of civic uplift (or even of the rudiments of a plan) we might have had before the August town hall meeting, held at the Jacob Javits Center on the west side of Manhattan, they were quickly deflated as soon as the proceedings began. For one thing, the six designs the Lower Manhattan Development Corporation presented for consideration at the meeting could not have been more timid. Atop the footprints of the towers, one featured a grassy triangle, another a grassy rhombus; a modest tower poked up from one, from another a smattering of office buildings. Nobody liked any of them.

But what was proposed to take their place? Malanga describes the participants' suggestions: "On the one hand, [they] told the planners not to build on the footprints of the old towers even though they encompass about half the site, but on the other hand, build something grand and magnificent. Participants also advised the planners to reduce the amount of commercial space on the site, but also not to destroy downtown Manhattan as a center of finance." In other words, it should be everything to everyone, upsetting neither the economic vitality of the place nor the families of the victims. This was decision-by-interest-group at its worst, a mush of cautious thoughts shrouded in sorrowful indecision. Grief counselors were on hand to support those in attendance; "one more indication," Malanga acidly writes, "of the event's lachrymose and self-pitying keynote." With vague promises to devote less space to commerce and more to a memorial, the committee threw out the plans, announced an international design competition for the memorial, hired five new firms to deal with land-use issues, and arranged six more public hearings.

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Of course it is necessary that the public be consulted and that time be taken to evaluate their suggestions. And the process cannot but involve conflicting points of view. What's strange about this story is how much New Yorkers' views have changed. Why can't a citizenry that was so charged with determination just after September 11—that improvised stunning rites and images to encourage the rescue workers and memorialize the missing—come up with a coherent image for that day? Why can it no longer enunciate the realities—the grief, the gratitude, the unity, the resolve—that it once knew in such an uncomplicated way?

Malanga's theory is that the New York the world saw immediately after the attack is not the only New York there is. Another New York—the antidevelopment, antibusiness, antipatriotism, diversity-infatuated New York of community activists and cultural elites—"has never been very far from the surface." And now that it is in the ascendancy (in other words, now that the heroes of that day are no longer at the center of our attention), it threatens to transform lower Manhattan into "a memorial landscape of death," a government-managed "industry of bereavement tourism." What it wants, Malanga writes, is "a rebuilding process that is in reality non-building."

He's right about that other New York. A year later—perhaps somewhat embarrassed about how it joined in cheering for the cops, or about what led it to hang those American flags in its windows for a month or two—it has recovered its accustomed sensibilities and attempted to quiet any outburst of the city's original post-9/11 boldness about how to rebuild.

But at the heart of the hesitancy in these discussions lies something more than the timidity of Blue America, with its rejection of the "insensitive" response; something more even than the understandable (if, in the view of some, misguided) demand by many of the victims' families that the ground on which their loved ones died be preserved untouched by commerce, no matter what it means for the rest of the site. We are a nation that solves problems, not a nation that lives with loss. In the moment of attack, our instincts got us through; we rallied and we triumphed; we said, "They haven't won, and we're still here." In its long aftermath, we've grown sentimental, our boldness blunted as instinct turns to reflection.

In another context, Theodore Dalrymple has called sentimentality "an evasion of moral responsibility." Perhaps he goes too far, but there is something to his observation. Our sentimentality, it seems, is born from uneasiness with the powerful truths that carried us through that day. We don't know how to absorb them all; we are not accustomed to being wounded, much less to making public monuments to our pain and our survival. And in the absence of a shared vocabulary of truth and beauty—especially a vocabulary which does justice to the fact that truths both hideous and glorious exist at Ground Zero, and which helps us see that true beauty can take account of both—it is difficult to memorialize what happened on September 11 without sliding into the conventionalities of elite culture or resorting to our "personal response." We have become, in our reflection, not eloquent but abashed.

What is the truth about the World Trade Center site? Is it Ground Zero or the Twin Towers? The dead or the living? We should avoid the temptation to dwell on what looks like the only truth remaining—the hole in the ground, the many lives lost—at the expense of the truth we understood as a city and as a nation in the days after the attack. We owe those who died not a monument to what became of them, but a testament to who we—the dead included—are. In doing so, our biggest mistake would be to forget who we were on September 12, 13, and 14. FT

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Opinion

Russians and Catholics

Lawrence Uzzell

To feel the full historical weight of Russian attitudes toward the Roman Catholic Church one should see the 1938 film *Aleksandr Nevski*—the Stalinist take on medieval Russia's triumph over the Teutonic Knights. The film demonizes Roman Catholicism as inherently alien and hostile to Russia, and also as an integral part of German imperialism. Though many Russians now have more nuanced views, most still have trouble with the concept of Christianity as a universal faith: deep down they don't believe that a Catholic can ever be truly Russian, or a German (or American) truly Orthodox.

Even Russians friendly to Rome see it as essentially other, essentially un-Russian—indeed, that is precisely what attracts them to it. Certain elements of the Russian intelligentsia tend to romanticize the West, including both Western modernism and Western fundamentalism. In some Orthodox parishes in Moscow, both liberal Episcopalians and conservative Southern Baptists can count on a warm welcome merely because they come from America. Sometimes simplistically, such Russians associate both Protestantism and Roman Catholicism with democracy, capitalism, and the Western way of life in general. In a sense they agree with their xenophobic countrymen who depict the Vatican as the spiritual counterpart of McDonald's. Not surprisingly, every word that these Westernizers speak in support of Catholics infuriates the xenophobes all the more.

Many Roman Catholics in Western Europe and America want to reach out to the Orthodox Church in the hope of finding reinforcements for the traditionalist wing within their own confession. They would be unpleasantly surprised to find that in Russia it is not the traditionalist Orthodox clergy who are most drawn to Rome but the progressives: the tiny minority most sympathetic to the World Council of Churches, radical liturgical reforms, and modernist views on issues such as birth control. What the progressives hope to see is just what the traditionalist Orthodox fear: that a reunion of Eastern and Western Christianity would not reverse modernism in the West but simply spread it to the East. They may well be right.

Such theological concerns, however, are not the most formidable obstacles to the Vatican in Russia. For most Russians, anti-Catholicism is primarily a matter of cultural identity; in the national psyche anti-Catholic feeling is much more deeply rooted than hostility to Protestantism. Though doctrinal disagreements with Protestants are manifestly wider than with Roman Catholics, Russians are not obsessed with memories of their wars against Protestant powers such as Sweden. The seventeenth-century Polish occupation of Moscow, by contrast, absorbs them as if it had happened just last week. Like Protestants in Victorian England commemorating the defeat of the Spanish Armada, they recall the Polish invasion as an attack on their entire civilization—both political and religious. Many view such episodes as the Pope's recent "virtual visit" to Moscow by television as a resumption of that invasion by other means. (The greatest advantage that John Paul II's successor will have over him in dealing with Russia is that presumably he will not be Polish.)

Opinion surveys consistently find that about half of ethnic Russians identify themselves as "Orthodox Christians," though only about five percent regularly attend church services. (The ethnic Polish, Lithuanian, and German minorities within the Russian Federation are similarly lax in their practice of Roman Catholicism.) The Russian Orthodox Church thus faces a standing temptation to pander to the politics of ethnic identity. When I lived in Moscow in the 1990s, Orthodox anti-abortion leaders seriously debated whether it would taint their movement to allow Roman Catholics and Protestants to join. (The right side won, narrowly.)

In a conversation some years ago with an Orthodox bishop who must remain anonymous, I suggested a thought experiment. Suppose the Pope were to have a sudden epiphany and decide to surrender to us Orthodox on all the doctrinal issues that divide East and West, including the filioque and papal infallibility. What would be the Moscow Patriarchate's response? It did not take long for us both to agree that the Patriarchate would simply find some new excuse to keep the Vatican at arm's length. As a human, political institution, the Patriarchate needs Rome more as an enemy than as a friend.

That political reality is the real cause of the Moscow Patriarchate's neglect of profound theological disagreements on matters such as the Holy Trinity and its deliberate inflaming of petty irritants. For the last decade, Patriarch Aleksi and his inner circle have denounced every Roman Catholic advance in Russia as an act of "proselytism"—one of the most overused words in current religious writing—even if the filioquists are merely

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recovering what the Soviet regime stole from them. The Patriarchate has constructed a historical myth according to which Russia was always a purely Orthodox country, with Roman Catholics to be found only in the diplomatic circles of Moscow or St. Petersburg.

This myth ignores such stubborn realities as the unmistakably Western-style church buildings of cities like Irkutsk in the heart of Siberia—built by the local Polish community in the nineteenth century. There were actually more such Western churches in pre-Soviet Russia—serving local minorities of Poles, Lithuanians, and Germans—than there are today after a full decade of alleged "spiritual invasion." The great majority of "new" Roman congregations within today's Russian Federation are restorations of parishes that existed in 1917. The others are in towns such as Magadan that either did not exist or did not have significant minorities of Western Christians before the mass exiles of the Soviet years. As one Moscow Catholic told me, "The real founder of Catholicism in Siberia was Stalin."

The Vatican's decision earlier this year to create a normal administrative structure in Russia, upgrading its four "apostolic administrations" to full-fledged dioceses, brought a predictably sharp reaction from the Moscow Patriarchate and its allies within the Russian government. In the most dramatic of several episodes, on April 19, 2002 Bishop Jerzy Mazur of the east-Siberian diocese was abruptly expelled from the country; as of mid-July he still had not been allowed to return from Warsaw. Overall, it is fair to say that relations between the Vatican and the Russian Orthodox Church are now at their lowest point since the collapse of the Soviet Union.

At the end of June the Moscow Patriarchate issued a long document making rather specific charges about Roman Catholic "proselytism" in Russia. In a sense these new accusations represent a kind of progress; at least the Patriarchate now feels obliged to come up with concrete examples of alleged excesses rather than sweepingly declaring that the very presence of Roman Catholics on Russian soil is illegitimate. To what extent the charges are accurate remains to be seen. If it is true, for example, that some Roman Catholic orders have been preaching to captive audiences in the state school system, or running orphanages in Russia that deliberately try to convert children previously raised as practicing Orthodox Christians, then they are guilty of violating the Vatican's own statements about interconfessional relations.

What makes it difficult to judge such accusations is the Moscow Patriarchate's absurdly broad use of the word "proselytism," under which it often includes any Western missionary efforts directed at anyone of ethnic Russian ancestry even if that person has never set foot in an Orthodox church. The Patriarchate even employs the term to denounce Protestant missionaries seeking to Christianize Uzbek and Tatar Muslims—which is what the Russian Orthodox Church itself used to do back in the nineteenth century when it had a genuine missionary vision. In effect, the Patriarchate's defense of so-called "traditional religions" has now become a defense of only those religious organizations willing to collaborate with the state. Placing politics over theology, the Patriarchate favors such religious organizations not only over newcomers such as the Mormons, but also over independent-minded indigenous Christians such as the Old Believers or the unregistered *initsiativniki* Baptists.

On the Roman Catholic side, the difficulty is that the Vatican must take account of different internal constituencies with competing agendas. In Europe, including Russia itself, most Roman Catholics agree with their man in Moscow, Archbishop Tadeusz Kondrusiewicz: Russia is not to be regarded as a mission country, the lead in evangelizing its people properly belongs to the Orthodox Church, and Rome should not try to win converts from among those Russians who are already committed, practicing Orthodox Christians. But many of the American supporters of Roman Catholic work in Russia are as eager as their Protestant countrymen to achieve "the conversion of Russia." The Moscow Patriarchate's crude overreactions, such as its attempts to deny even basic freedom to religious minorities, have made it easier in the short run for Rome to satisfy both of these internal factions. In the long run, however, one or the other is going to be disappointed.

This summer saw an escalating war of words between the Patriarchate and the Roman Catholics, conducted largely through the secular media. Again this represents a kind of progress: the setting forth of specific complaints and demands, even when highly polemical, at least provides material for analysis, discussion, and perhaps an eventual return to real dialogue. The Western side of this debate accuses the Russian Orthodox of a double standard—of trying to keep Roman Catholic dioceses out of Russia even while the Moscow Patriarchate maintains bishops in places such as Berlin and London.

The accusation is largely valid, but the double standard is not quite as blatant as one might think. The Moscow Patriarchate has made it unmistakably clear that it regards its parishes in the West as enclaves to serve Slavic émigrés, not as missionary parishes working to recall Western Europe to its first-millennium Orthodox roots. (For example, it recently named not a westerner but a Moscow ecclesiastical bureaucrat to be its newest bishop in the United Kingdom.) From the standpoint of many Western converts to Orthodoxy, the Patriarchate's position is scandalous—in effect declaring that the Orthodox faith is the peculiar property of the Russians, not a world religion.

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Another benefit of the current debate is that it marks the end of a romantic illusion—the naive belief that reunion between the Orthodox Church and Rome was just around the corner. In pursuit of this illusion the Vatican was too willing to appease the Moscow Patriarchate, for example by failing to defend vigorously the rights of its own faithful. One danger now is that Rome may swing to the opposite extreme, cultivating good relations with Vladimir Putin at the expense of its relations with Patriarch Aleksi. Putin has far more political skills than the Patriarch and his circle, but he has no real interest in Roman Catholicism or in Orthodoxy except as levers of political manipulation. Even when the Russian state is presenting a more civilized face than the Russian Church, the Vatican should remember that its most important dialogue in the long run is with the latter.

Lawrence Uzzell *has written about religious freedom in the Soviet Union and its successor states since the 1980s for, successively, the Hoover Institution at Stanford University, the Jamestown Foundation in Washington, and the Oxford-based Keston Institute.*

The Last Respectable Prejudice

Kenneth L. Woodward

Does anti-Catholicism exist? Yes it does. Can we define it? Yes we can. It's repugnance for things Catholic, both real and imagined. It's the sort of thing Catholics and non-Catholics alike recognize when they see it.

Is anti-Catholicism, historically, as virulent as anti-Semitism, to which it is often compared? Not then. Not now. And likely not ever. But in the American experience anti-Catholicism is older than anti-Semitism, and it is still the more acceptable prejudice among academics and their illegitimate offspring in the chattering classes, among whom anti-Catholicism is less conscious, less stigmatized, and therefore less noticed.

Is anti-Catholicism as important to American Catholics as anti-Semitism is to American Jews for the maintenance of group identity? Not by another long shot. Jews are the least religious religious cohort in American society, if we exclude the Jewish Unitarians, Ethical Culturalists, and Buddhists, and so the most in need of prejudice, real or imagined, for the maintenance of group identity. Their only rivals are the Mormons, manqué Jews themselves. And I say that in full realization that my statement may be construed by some as itself anti-Semitic, if only because an outsider is saying it. Be that as it may, the American Jewish Committee and other communal organizations recognize its truth. They are my sources.

Some manifestations of anti-Catholicism are obvious. For example, I think Daniel Jonah Goldhagen's diatribe in the *New Republic* last January—"What Would Jesus Have Done? Pope Pius XII, the Catholic Church, and the Holocaust"—was a blatant example. But he is a known academic nut. More blameworthy, in my view, is Leon Wieseltier, the magazine's powerful literary editor and the man who decided to run Goldhagen's venomous piece, giving him more space than anyone has ever been allotted in the magazine.

Has some of the coverage of the current scandal in the Catholic Church been driven by anti-Catholicism? Indeed, in style, intensity, and the unrelenting nature of the coverage, some of it has. ABC's prime-time news special, "Father Forgive Me, for I Have Sinned," is a prominent example of what happens when producers choose a story line beforehand and use only the interview material that furthers it. Peter Jennings, who is usually sensitive to religious nuance, should have known better. Similar examples could be drawn from *Vanity Fair*, which, especially under Tina Brown, has been unblushingly anti-Catholic to such an extent that its editors must assume that the magazine's readers are too.

And then there is the *New York Times*. Compared to the way the current crisis in the Catholic Church has been covered by, say, the *Los Angeles Times*, the coverage in the *NY Times* has been excessive and almost gleeful, revisiting old stories when no fresh news has been forthcoming and even treating parish councils as if they were radical innovations. No editor in his right mind would have printed the rant a while back by columnist Bill Keller, in which he likened Pope John Paul II to Leonid Brezhnev, unless that editor—Howell Raines—were himself anti-Catholic. It says much about the newsroom culture of the *Times* that it finds the views of a bitter ex-Catholic worth featuring on the op-ed page. But then, compared to other national newspapers, the *Times*' op-ed page is the least ideologically diversified, with most of its columnists products of the paper's own hothouse institutional culture. And the outside opinions they publish are almost equally narrow in standpoint. For example, when abortion is in the news, it is not unusual to find three or four pieces a week defending its legality.

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But in thirty-eight years of reading the *Times* I can recall—at most—only three op-ed pieces arguing a pro-life position.

Anti-Catholicism comes in different packages. By its own reckoning, the *Times* is an institution, not just a newspaper: in its own secularist fashion it is a kind of church, complete with its own hierarchy and magisterium. For many of its readers, the *Times* defines what is real and what is not, what is acceptable thought and behavior and what is not, thereby setting the boundaries between the secular polis and the religious barbarians pounding at the gates. In short, the *Times* evangelizes a wholly secular worldview, which bleaches out whatever—even in New York City—does not conform to that perspective. For instance, where a newspaper like the *Chicago Tribune* routinely includes parochial schools in its annual education supplement, the *Times* in its annual supplement has mentioned them only once in all the years that I've been reading it. Similarly, when it does its roundup of the year's notable books—at Christmastime, yet—it includes no category for religion. Its news coverage of religion is spotty, though sometimes well done, but it frequently displays considerable uncertainty about what is important in this area. In short, to use David Tracy's categories, if the Catholic imagination is analogical and the Protestant imagination dialectical, the religious imagination of the *Times* is dermatological—that is, skin-deep.

It is common for defenders of the Catholic Church such as Bill Donohue, president of the Catholic League, to substitute Jews or blacks or gays for Catholics and ask those who smear Catholics if they would dare ridicule these other identity groups in the same fashion. In general, I think that this is a fair test, and I am astonished to learn that his adversaries find his question repulsive. Clearly, Catholics *are* fair game, but why should this be so?

My guess is that most Americans—including most Catholics—do not know the history that John McGreevy has outlined for us in his forthcoming book on Catholicism and American liberalism. Harvard University, to take but one example, has courses dealing with anti-Semitism, racism, misogyny, homophobia, and the like, and you can be assured that preoccupation with these sins is central to the not-so-informal curricula in the nation's major divinity schools. But as a rule, the country's elite institutions do not offer courses devoted to anti-Catholicism. Our elites have thus been shaped by institutions that exclude anti-Catholicism as part of the American experience. Charitably, we might say that in some cases we are dealing with vincible ignorance, not outright prejudice.

Some attempt to distinguish between religious anti-Catholicism and cultural anti-Catholicism. I can accept the former: there are doctrines and beliefs of various religious traditions that I personally find odious, and as a Catholic I am in no way bothered by the residual Reformation-style anti-Catholicism of, say, Bob Jones University—especially when I see that Bob Jones III, the university's putative heir-apparent, chose to do post-graduate work at Notre Dame. But I must say that I am struck by the fact that Protestants—including evangelicals—have been noticeably sympathetic toward Catholics during the recent scandal. As well they might, since a recent story of child abuse in Protestant churches shows an average of seventy such allegations a week, though you won't find that mentioned in the *Times*.

As for cultural anti-Catholicism, I am surprised by the persistence of old stereotypes. One expects such crudities among academics, because the academy, particularly in the humanities, has become so ideologically driven and allergic to institutions and forms of authority other than its own. But I'd be surprised if it were prevalent in the business world—or even in country clubs—and I must say I have not found much of it at *Newsweek*. Quite the opposite.

Looking back over some 750 articles I have written for the magazine, I find that less than four percent deal with mainline Protestants. Over these years, *Newsweek*'s top editors—all of them but one in the past forty years Protestant or Jewish by background—have manifested certain preferences in the coverage of religion. (Religion covers, by the way, have for twenty-five years always been among the annual best-sellers on the newsstand, though the biggest draws are usually cover stories about some aspect of the figure of Jesus.) In order, the editors have preferred: First, stories about Catholics. Second, stories about Catholics. Third—at least since the rise of Jerry Falwell in the late 1970s—stories about evangelicals. Fourth, Catholics. Fifth, everyone else. Yet Protestant readers, including clergy, very often compliment the magazine on its coverage of religion—even though their own traditions are rarely covered. Here, I think, we can get into some of the ambiguities of cultural anti-Catholicism, ambiguities that make the Catholic Church at once attractive and suspect in a nation that is still, historically and numerically, more Protestant than anything else.

Size. A quarter of Americans identify themselves as Catholics. And like evangelicals, they are perceived as having political weight, at least in local elections. This is reason enough to pay attention, and certainly reason enough to worry if you don't like what the Church teaches.

Authority. Friends would say authoritative, foes would say authoritarian, and in the Church you can find Catholics in both camps. Authority means that the

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Church makes truth claims that some elites find onerous—including many Catholics. It also means there are moral norms—a claim that some elites, especially those who came of age since the 1960s, refuse to accept, unless they are thought of as being the product of human agency. Hence the popularity of the word "choice."

Authority also implies *Hierarchy*, another structural mark of the Church that antagonizes many. The irony is that Americans readily accept the need for hierarchy in corporations, the military, and even to some degree in sports. But in religion, most Americans are female in the sense in which Carol Gilligan uses the term: we like circles, not pyramids. That the Catholic Church is a pyramid that allows a lot of circles to be formed inside it seems to escape most observers.

And then there is *Sex*. The Catholic Church also takes sex and gender seriously—maybe too seriously—which means it holds that here, too, norms ought to be observed. But on matters of sex and gender, our society has by now become normless—a society that, on both the popular and elite levels, also takes sex too seriously, but for very different reasons. Here there really is a culture war—and institutionally, the Catholic Church is the biggest, easiest target.

Identity. Despite qualifiers like liberal and conservative, progressive and reactionary, lapsed, collapsed, and relapsed, the public at large still thinks that the word "Catholic" has explanatory value that words like Protestant, Presbyterian, Episcopalian, Methodist, and even Jewish do not. The word may conjure stereotypes, but at least Catholics and their Church get noticed. Put another way, when was the last time—at least since the novels of Peter DeVries—you saw the rituals and symbols of, say, Congregationalists burlesqued? For the media, "Catholic" means, in words said of Willy Loman after his suicide, "attention must be paid."

Noticeableness. The Church stands for something—many things—and is not afraid to speak out in the public square. The Catholic Church is certainly not alone in this regard, but it is not in the nature of Catholicism to privatize religion in the ways that some others, especially secularists, would prefer. And when it fails, as its bishops most spectacularly have, its dirty underwear is there for all to see.

For all of these reasons, there will always be anti-Catholicism, intermittent but enduring in its manifestation. What we see today is not as virulent as it has been in the past. Speaking for myself, I am always nervous when too many people agree with me, which doesn't happen often. I think the Church should be the same way, or else it will cease to be the Church. Anti-Catholicism isn't always hatred and prejudice; sometimes it's being liked for all the wrong reasons. The challenge for any tradition that claims to be Christian is accepting dislike for all the right reasons. On this view, ironically enough, some anti-Catholic prejudices are not only acceptable but welcome.

Kenneth L. Woodward *is a Contributing Editor at* Newsweek, *where he has been Religion Editor for thirty-eight years. This essay is adapted from an address given at a conference on anti-Catholicism at Fordham University, hosted by the Center for American Catholic Studies and* Commonweal *magazine.*

Was Reinhold Niebuhr a Christian?

Gabriel Fackre

Reinhold Niebuhr (1892-1971), dubbed "America's theologian" by the mid-twentieth-century media, had a host of critics during his lifetime. Many attacked him for his political realism. Others found his "neoorthodoxy" wanting. A few went much further, doubting his belief in God. In the latter case, an odd coupling of self-identified theological liberals and theological conservatives took his talk about Christian "myth" to be a sign that he considered Christianity a pious fiction covering up a secular agenda. The coterie of Harvard faculty that whimsically described itself as "atheists for Niebuhr" seemed to give credence to the charge.

Suspicions about Niebuhr's ultimate commitments resurfaced in Stanley Hauerwas' recent Gifford lectures (*With the Grain of the Universe: The Church's Witness and Natural Theology*). There Hauerwas asks, "Do we have anything more in Niebuhr than a complex humanism disguised in the language of the Christian faith?" For Hauerwas, "It is hard to think that Niebuhr's God is anything more or less than an unavoidable aspect of our consciousness." Which leads Hauerwas to wonder: Is Niebuhr's theology, at bottom, merely a "naturalistic view of the world," the worship of "a domesticated god capable of doing no more than providing comfort to the anxious conscience of the bourgeoisie"?

In fact, the rejection of both humanism and naturalism is a constant from Niebuhr's early liberal period, when he argued in the 1927 *Does Civilization Need Reli-*

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gion? against both the religious depersonalization of the universe and the political and economic depersonalization of society, to his post-liberal classic, *The Nature and Destiny of Man* (two vol., 1941-43), and beyond where he casts the issue in Christian-specific terms. Telling examples of the latter can be found in his 1956 comments on the religious naturalism of Henry Nelson Wieman:

> The trouble with religious naturalism is not only that it obscures the whole mystery of the divine, the mystery of creativity and grace, but that it also falsifies the whole drama of human history. . . . Professor Wieman is under the impression that a classical Christian faith is merely a crude, prescientific way of looking at the world, God, and the self. . . . The only trouble with this picture is that all significant truths and facts about man and God, about the nobility and misery of human freedom, and about the judgment and mercy of God, are left out of the picture.

Likewise, in response to Paul Tillich's charge of "supernaturalism," Niebuhr wrote that

> I do not believe that ontological categories can do justice to the freedom either of the divine or the human person, or to . . . the forgiveness by God of man's sin. . . . If it is "supernaturalistic" to affirm that faith discerns the key to specific meaning above the categories of philosophy, ontological or epistemological, then I must plead guilty of being a supernaturalist. The whole of the Bible is an exposition of this kind of supernaturalism. If we are embarrassed by this and try to interpret biblical religion in other terms, we end in changing the very character of Christian faith.

Germane to the question of a Niebuhrian "naturalistic view of the world" is his prayer life. Judging her husband's prayers to be key to his faith, Ursula Niebuhr assembled a representative collection of them in *Justice and Mercy* (1974), along with some of the sermons from his decades of circuit-riding in college and seminary chapels. She introduces his prayers with his own outline of a biblical sequencing to be observed by the "priestly function" of a pastor: "praise and thanksgiving . . . humility and contrition . . . intercession . . . aspiration." All such prayer is directed to "the divine person" of whom he reminds Wieman and Tillich. Among the most memorable prayers is the "serenity prayer" that was circulated among soldiers in World War II by the USO and incorporated by Alcoholics Anonymous and others into their twelve-step programs. The prayer comes in various formulations, of which the most common is "God grant me the serenity to accept the things I cannot change, the courage to change the things I can, and the wisdom to know the difference."

What about Niebuhr's teaching on such central Christian convictions as the Incarnation and the Atonement? According to Hauerwas, it lacks "high Christology" and offers only "'the ethics of Jesus' without the need to engage in any further Christological claims." But Paul Lehmann, who has done an extensive study of the "Christological claims" of his Union Seminary colleague, concludes that "Christology has been and is the principal passion and purpose of his theological work . . . the leitmotiv of Niebuhr's theology. . . . Christology is *pivotal,* not *peripheral* . . . a remarkably evangelical view of the person and work of Jesus Christ." Niebuhr himself thanked Lehmann for his "account of the centrality of my Christological interest and the development of my thought in the direction of a more adequate Christology than the older liberalism with which I began." Thus the Atonement wrought on the Cross, with the Incarnation as premise, is "the good news of the Gospel . . . that God takes the sinfulness of man into Himself and overcomes in His own heart what cannot be overcome in human life."

Interestingly, Niebuhr deals with this paradox of divine suffering with a profundity that anticipates the current debate on divine impassibility addressed recently in this journal (Thomas G. Weinandy, "Does God Suffer?" November 2001) when he writes,

> Christian orthodoxy has been rightly afraid of a too consistent emphasis upon the suffering of God. It has declared the doctrine that God the Father suffers to be a heresy (the heresy of "patripassionism"). Yet it has affirmed that God the Son suffers and that the Father and the Son are One. To insist on the distinction between the majesty of the Father and the suffering of the Son, and yet to declare that the Father and the Son are one, is an effort to state, within the limits of human understanding, our comprehension and lack of comprehension of a form of peace which passeth understanding. If the suffering of God is emphasized too completely we arrive at the heretical conception of a finite God. . . . If the peace of God is defined too rationalistically . . . we arrive at a conception of a peace which is purchased at the price of detachment.

But can't such passages simply be dismissed as myth-mongering? It was such a question that led Niebuhr to modify his language by 1956. "The word ['myth'] has subjective and skeptical connotations. I am

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sorry I ever used it, particularly since the project for 'demythologizing' the Bible has been undertaken and bids fair to reduce biblical revelation to eternally valid truths without any existential encounter between God and man." That said, Niebuhr's attempt to describe key points in the biblical macro-narrative—from creation and fall, through virginal conception and resurrection to history's finale—as "permanent myths" can also be interpreted in light of current investigations of metaphor, story, and symbol as apt ways of speaking about who God is and what God does. Neither are they very far removed from Karl Barth's assertion that a "divinatory imagination" is at work in the making of biblical "sagas."

Take, for instance, Niebuhr on the Eschaton. Using a distinction found in the work of the philosopher of language Wilbur Urban, we can say that Niebuhr viewed the eschatology of the Book of Revelation as an evocative "symbolic truth," at the center of which is "the truth of the symbol." In his academic rendering of this truth in *The Nature and Destiny of Man*, Niebuhr asserts his belief that history has a definite "End," in the sense both of conclusion and goal. In sermonic settings—from Easter message to burial homily—he proclaimed the final victory of Christ over death in the language of "the resurrection of the body": "Some of us have been persuaded to take the stone which we then rejected and to make it the head of the corner. . . . There is no part of the Apostolic Creed which . . . expresses the whole genius of the Christian faith more neatly than just that despised phrase, 'I believe in the resurrection of the body.'"

Niebuhr has often been taken to task for saying that he understands such terms "seriously, but not literally." But he intended such comments as expressions of modesty, since we are incapable in our finitude of describing the "furniture of heaven and the temperature of hell." Yet Niebuhr wrote that while "it is . . . important to maintain a decent measure of restraint . . . it is equally important not to confuse restraint with uncertainty about the validity of hope that 'when he shall appear, we shall be like him; for we shall see him as he is' (1 John 3:2)." He elaborates further on the mysteries of our resurrection in poignant 1967 remarks on his approaching death. Niebuhr's minimalist description of our final destiny might not be sufficient for the concluding chapter of a textbook in systematic theology, but it is outrageous to deny that this ethicist and unsystematic theologian did not hold to core biblical testimony about the world to come.

Critics often accuse Niebuhr of lacking an ecclesiology. As a pastor and teacher in the church he helped to found—the Evangelical and Reformed Church—I saw for myself his deep immersion in and love for the Church. This ecclesial context is basic to who he was and how he thought, especially so his shaping by both the Reformed and Lutheran traditions of his church. While Niebuhr never attempted to construct a systematic ecclesiology, his life and faith cannot be understood without a grasp of the functional ecclesiology in which they are grounded.

Fierce attacks on a theologian long gone are testimony to that theologian's durability. The new edition of Charles Brown's insightful study *Niebuhr and His Age* (2002) and Langdon Gilkey's *On Niebuhr: A Theological Study* (2001) both effectively refute his harshest critics and in doing so contribute to a Niebuhr renaissance prompted at least in part by the misreadings of others.

As June Bingham noted in the title of her thoughtful biography, *Courage to Change* (1993), Niebuhr was always willing to reconsider his earlier positions. But this should not distract from his perduring affirmation of Christian centralities. Indeed, those who remember him as a pastor and knew him as a theologian do not doubt that Niebuhr's "courage to change" rose from an abiding serenity of faith in the One to whom he prayed and about whom he faithfully preached and taught.

Gabriel Fackre *is Abbot Professor of Christian Theology Emeritus at Andover Newton Theological School.*

Whatever Happened to Sociology?

Peter L. Berger

The title question has been asked frequently in recent years, both within and outside the field. I think that it can be answered rather easily: sociology has fallen victim to two severe deformations. The first began in the 1950s; I would label it as methodological fetishism. The second was part of the cultural revolution that started in the late 1960s; it sought to transform sociology from a science into an instrument of ideological advocacy. As a wider public became increasingly aware of these changes, sociology lost the prestigious status it once occupied in American cultural life, lost its attraction to the brightest students, and, not so incidentally, lost a lot of its funding.

I am not a disinterested observer of these developments. As a young sociologist, still full of enthusiasm for

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my chosen discipline, I wrote *Invitation to Sociology*. It was published in 1963, before the second deformation began and while the first one still seemed containable. The little book is still in print and still gets students interested in sociology. My own view of the discipline has not changed fundamentally since then, and I do not regret what I wrote at the time. But whenever I am asked about the book (especially by students), I have to say that the picture I painted of the discipline bears little relation to what goes on in it today. The relation is a bit like that of the Marxian utopia to what used to be called "real existing socialism."

The 1950s were a sort of golden age for sociology, even as the first deformation was beginning to develop. There were three powerful academic centers from which eager young teachers fanned out across the provincial hinterlands. At Harvard there was the imposing figure of Talcott Parsons, putting together, book by book, the theoretical system known as "structural functionalism" and producing a growing body of active disciples. Parsons wrote terrible prose (it read like a bad translation from German), but he dealt with the "big questions" that had been the subject matter of sociology from its beginnings: What holds a society together? What is the relation between beliefs and institutions? How does change come about? What is modernity? At Columbia University there were two other figures, almost as impressive—Robert Merton, who taught what could be called a more moderate version of "structural functionalism," and Paul Lazarsfeld, who helped develop increasingly sophisticated quantitative methods but who never forgot the "big questions" that these methods were supposed to help answer. And at the University of Chicago there was still the lively presence of two distinctively American traditions of sociology—the blend of sociology with social psychology, called "symbolic interactionism," which began with the work of George Herbert Mead (who had taught at Chicago most of his life), and the so-called "Chicago school" of urban sociology, which had produced a whole library of insightful empirical studies of many aspects of American life. Columbia and Chicago also sent out their young graduates across the country and, increasingly, to foreign universities; Europeans came to study sociology in America and European sociology for a while had the character of an American missionary enterprise.

What I mean by "methodological fetishism" is the dominance of methods over content. In principle this could happen with any method in the human sciences; in fact the methods have been invariably quantitative. Statistics became the mother science for sociologists. Now, there can be no question but that statistical analysis has been a useful tool in many areas. We live in a society comprising millions of people and statistics is designed precisely to make sense of such a society without having to interview every one of its members. To say this, however, is a long way from assenting to the widespread implication that nothing is worth studying that cannot be analyzed quantitatively.

In order for data to be analyzed statistically, they must be produced by means of a standardized questionnaire. This means, inevitably, that people are asked to reply to a limited number of typically simple questions. Sometimes this works; sometimes it does not. Take the example of the sociology of religion. One can get useful data by asking people how often they have gone to church in the last four weeks (leave aside the fact that, as has been shown, they sometimes lie about this). But then such questionnaires try to cover beliefs as well as behavior, and there the meaning of the replies is much less clear. Even such a seemingly simple question as "Do you believe in God?" will be interpreted by respondents in so many different ways that their replies are hard to analyze, let alone capable of helping a researcher construct something like, say, an index of orthodoxy. This does not mean that the intentions behind these replies could not be clarified; it only means that survey research is not a good way of doing so.

The reasons for this worship of quantitative methods are probably twofold. As often happens in intellectual history, there is a mix of "ideal" and "material" factors (the sociology of knowledge is the attempt to sort out such mixes). On the level of ideas, there is the enormous prestige of the natural sciences, in which quantitative methods are indispensable, and little sociologists want to be as much as possible like their big brothers in physics. On the level of material interests, many of those who fund social research (such as government agencies) want results that are within very small "margins of error" and can therefore be presented as unassailably scientific arguments for this or that course of action. This too pushes toward quantitative methods. In sociology as in many other areas of endeavor, he who pays the piper calls the tune.

Methodological fetishism has resulted in many sociologists using increasingly sophisticated methods to study increasingly trivial topics. It has also meant that sociological studies have become increasingly expensive. Earlier sociologists (such as those of the "Chicago school") would go into a community, check into a cheap hotel, and spend the next months observing and talking to their neighbors. Latter-day sociologists, as a joke has it, need a million-dollar grant to find their way to the nearest house of ill repute. Inevitably, the "big questions" tend to get lost in this version of sociology. Its results can still be useful to this or that institution (say, a government agency that wants to find out how many people are making use of one of its programs, and per-

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haps even what those people think about it), but they are unlikely to be of interest to a wider public.

The ideologization of sociology has been even more devastating. However trivial or simplistic have been the results of methodological fetishism, at least they have been produced by objective investigations that merit the name of science. The ideologues who have been in the ascendancy for the last thirty years have deformed science into an instrument of agitation and propaganda (the Communists used to call this "agitprop"), invariably for causes on the left of the ideological spectrum. The core scientific principle of objectivity has been ignored in practice and denied validity in theory. Thus a large number of sociologists have become active combatants in the "culture wars," almost always on one side of the battle lines. And this, of course. has alienated everyone who does not share the beliefs and values of this ideological camp.

The ideological amalgam that is transported by this propaganda campaign is, broadly speaking, of Marxist provenance. But the adherents of Marxism proper have considerably shrunk in numbers. (In the wake of the demise of "real existing socialism," those who remain have a certain heroic quality, like adherents of flat-earth theory in the wake of the Copernican revolution.) The ideology is not so much Marxist as *marxisant*—in its antagonism to capitalism and to bourgeois culture, in its denial of scientific objectivity, in its view of the combatant role of intellectuals, and, last but not least, in its fanaticism. In recent years this version of sociology has intoned the mantra of "class, race, and gender."

The first term of the mantra is still the most visibly *marxisant*, except for its substitution of the working class by other categories of alleged victims, such as, notably, the people of developing societies as described by theories of neo-imperialism. The anticapitalism of the ideology is also expressed by way of environmental concerns and, most recently, in opposition to globalization. "Race" and "gender," of course, refer to a variety of victimological categories—racial and ethnic minorities, women, gays and lesbians (recently expanded to include transvestites and transsexuals—one wonders whether there are enough of those to make up a credible group of victims). The ideological amalgam here draws from the theorists of multiculturism and feminism. Unlike the doctrines of orthodox Marxism, some elements in the amalgam are in tension with each other. For instance, how do multiculturalists and feminists negotiate a topic like "Islamic modesty"? But logical inconsistency has only rarely been an obstacle to ideological dominance (the Leninists were an exception in their insistence on relentless conformity). And, as has been amply documented, this particular ideology, with its stultifying mantra, has become dominant not only in much of sociology but in many of the other human sciences. Along with methodological fetishism, this ideological propaganda has been a crucial factor in the decline of sociology, and not only in America.

I don't want to exaggerate. Here and there one can still find sociologists doing excellent work. Since I mentioned the sociology of religion, let me refer here to the work of Nancy Ammerman, Jose Casanova, James Davison Hunter, and Robert Wuthnow. And there are still sociologists who, in one way or another, address the "big questions," such as Irving Louis Horowitz and Orlando Patterson in America, or Anthony Giddens and the recently deceased Niklas Luhmann in Europe. But the contributions of these sociologists, none of whom have created anything resembling a school of thought, only serve to underline the overall depressing condition of this discipline. It would take an enormous and sustained effort to reverse this condition. I'm relieved to observe that I am both too old and too occupied elsewhere to participate in such an effort.

Sociology originated in the attempt to understand the profound transformations brought about by the processes of modernity. Its basic question, to paraphrase the question asked in the Passover ritual, was "Why does this age differ from every other age?" In its classical period, roughly between 1890 and 1930, sociology flourished principally in three countries—France, Germany, and the United States. In each country the basic question took somewhat different forms, due to differing intellectual and political milieus. Sociology produced such intellectual giants as Émile Durkheim and Max Weber, and powerful schools of thought derived from their work. Given the structure of modern academic life, sociology became a distinct discipline and a profession. However, one could argue that, unlike other disciplines (such as political science or economics), sociology does not concern itself with a delineated field of human life. It is a perspective rather than a field (a perspective which, incidentally, I tried to describe in *Invitation to Sociology*). This perspective (sometimes misunderstood, often correctly applied) has greatly influenced virtually all of the other social sciences as well as the humanities. Perhaps, then, sociology has fulfilled its purpose and its eventual demise should be seen as less than an intellectual catastrophe.

Peter L. Berger *is Director of the recently founded Institute on Religion and World Affairs at Boston University.*

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The Meanings of Marriage

John Witte, Jr.

"The apt and cheerful conversation of man with woman is the chief and noblest purpose of marriage," wrote John Milton. "Where loving [conversation] cannot be, there can be left of wedlock nothing but the empty husk of an outside matrimony"—dry, shrivelled, and dispensable. Aptness can strain cheerfulness: candid conversations between spouses can be very painful. Cheerfulness can strain aptness: blissful domestic ignorance can be very tempting. But aptness and cheerfulness properly belong together in a marriage, Milton tells us. Where they fail, the marriage fails.

An apt and cheerful conversation *about* marriage must be part of our dialogue today. For marriage is one of the great mediators of individuality and community, revelation and reason, tradition and modernity. Marriage is at once a harbor of the self and a harbinger of the community, a symbol of divine love and a structure of reasoned consent, an enduring ancient mystery and a constantly modern invention.

To be "apt," our conversation cannot wax nostalgic about a prior golden age of marriage and the family, nor wax myopic about modern ideals of liberty, privacy, and autonomy. We cannot be blind to the patriarchy, paternalism, and plain prudishness of the past. Nor can we be blind to the massive social, psychological, and spiritual costs of the modern sexual revolution. To be apt, participants in the conversation on marriage must seek to understand both traditional morals and contemporary mores on their own terms and in their own context—without deprecating or privileging either form or norm. Wooden antiquarianism, a dogmatic indifference to the changing needs of marriages and families, is not apt. Chronological snobbery, a calculated disregard for the wisdom of the past, also is not apt.

To be "cheerful," our conversation must proceed with the faith that the crisis of modern American marriage and family life can be overcome. Marriage and the family are in trouble today. Statistics tell the bald American story. From 1975 to 1998, roughly one-quarter of all pregnancies were aborted. One-third of all children were born to single mothers. One-half of all marriages ended in divorce. Three-quarters of all African-American children were raised without fathers. The number of "no-parent" households increased five-fold. Children from broken homes proved two to three times more likely to have behavioral and learning problems as teenagers than children from two-parent homes. More than two-thirds of juveniles and young adults convicted of major felonies from 1970 to 1995 came from single- or no-parent homes. So much is well known. It brings little cheer.

What is less well known, and what brings more cheer, is that the Western tradition has faced family crises on this scale before. And apocalyptic jeremiads about the end of civil society have been uttered many times before—by everyone from Cicero to Calvin, from Augustine to Acton. What brings cheer is that the Western tradition of marriage has always found the resources to heal and reinvent itself, to strike new balances between orthodoxy and innovation, order and liberty, with regard to our enduring and evolving sexual, marital, and familial norms and habits. The prospect of healing and reinvention is no less likely today—so long as academics, activists, and advocates, political, religious, and civic leaders ponder these problems in good faith and direct their resources to good works.

In discussing the meanings of marriage, we need to understand that modern Anglo-American marriage law was formed out of two traditions—one rooted in Chris-

JOHN WITTE, JR. *is the Jonas Robitscher Professor of Law and Ethics, Director of the Law and Religion Program, and Director of the Center for the Interdisciplinary Study of Religion at Emory University. This essay is based on the Daniel J. Meador Lecture at the University of Virginia and the Distinguished Faculty Lecture at Emory University.*

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tianity, a second in the Enlightenment. Each of these traditions has contributed a variety of familiar legal ideas and institutions—some overlapping, some conflicting. It is in the overlapping and creatively juxtaposed legal contributions of the Christian and Enlightenment traditions that one sees some of the ingredients of a third way respecting marriage.

The Western tradition has, from its beginnings, viewed marriage in at least four perspectives. (The discussion that follows draws on and extends some of the themes of my book *From Sacrament to Contract: Marriage, Religion, and Law in the Western Tradition* [1997].) Marriage is a *contract*, formed by the mutual consent of the marital couple, and subject to their wills and preferences. Marriage is a *spiritual association*, subject to the creed, code, cult, and canons of the religious community. Marriage is a *social estate*, subject to special state laws of property, inheritance, and evidence, and to the expectations and exactions of the local community. And marriage is a *natural institution*, subject to the natural laws taught by reason and conscience, nature and custom.

These four perspectives are in one sense complementary, for they each emphasize one aspect of this institution—its voluntary formation, its religious sanction, its social legitimation, and its natural origin. These four perspectives have also come to stand in considerable tension, however, for they are linked to competing claims of ultimate authority over the form and function of marriage—claims by the couple, by the church, by the state, and by nature and nature's God. Some of the deepest fault lines in the historical formation and the current transformations of Western marriage ultimately break out from this central tension between perspectives. Which perspective of marriage dominates a culture, or at least prevails in an instance of dispute? Which authority wields preeminent, or at least peremptory, power over marriage and family questions?

Catholics, Protestants, and Enlightenment exponents alike have constructed elaborate models to address these cardinal questions. Each group recognizes multiple perspectives on marriage but gives priority to one of them. Catholics emphasize the spiritual (or sacramental) perspective of marriage. Protestants emphasize the social (or public) perspective. Enlightenment exponents emphasize the contractual (or private) perspective. In broad outline, the Catholic model dominated Western marriage law until the sixteenth century. From the mid-sixteenth to the mid-nineteenth century, Catholic and Protestant models, in distinct and hybrid forms, dominated Western family law. In the past century, the Enlightenment model has emerged, in many instances eclipsing the theology and law of Christian models.

The Roman Catholic Church first systematized its theology and law of marriage in the course of the Papal Revolution of the twelfth and thirteenth centuries. First, the Church taught, marriage is a *natural association*, created by God to enable man and woman to "be fruitful and multiply" and to raise children in the service and love of God. Since the fall into sin, marriage has also become a remedy for lust, a channel to direct one's natural passion to the service of the community and the Church. Second, marriage is a *contractual unit*, formed by the mutual consent of the parties. This contract prescribes for couples a life-long relation of love, service, and devotion to each other and proscribes unwarranted breach or relaxation of their connubial and parental duties. Third, marriage, when properly contracted between Christians, rises to the dignity of a *sacrament*. The temporal union of body, soul, and mind within the marital estate symbolizes the eternal union between Christ and his Church. Participation in this sacrament confers sanctifying grace upon the couple and the community. Couples can perform this sacrament privately, provided they are capable of marriage and comply with the rules for marriage formation.

This sacramental theology placed marriage squarely within the social hierarchy of the Church. The Church claimed jurisdiction over marriage formation, maintenance, and dissolution. It exercised this jurisdiction through both the penitential rules of the internal forum and the canon law rules of the external forum.

The Church did not regard marriage and the family as its most exalted estate, however. Though a sacrament and a sound way of Christian living, marriage was not considered to be so spiritually edifying. Marriage was a remedy for sin, not a recipe for righteousness. Marriage was considered subordinate to celibacy, propagation less virtuous than contemplation, marital love less wholesome than spiritual love. Clerics, monastics, and other servants of the Church were to forgo marriage as a condition for ecclesiastical service. Those who could not were not worthy of the Church's holy orders and offices.

The medieval Church built upon this conceptual foundation a comprehensive canon law of sex, marriage, and family life that was enforced by a hierarchy of Church courts throughout Christendom. Until the sixteenth-century Protestant Reformation, the Church's canon law of marriage was the preeminent marriage law of the West. A civil law or common law of marriage, where it existed, was usually supplemental and subordinate.

Consistent with the naturalist perspective on marriage, the canon law punished contraception, abortion, infanticide, and child abuse as violations of the natural marital functions of propagation and childrearing. It proscribed unnatural relations, such as incest and polygamy, and unnatural acts such as bestiality and bug-

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gery. Consistent with the contractual perspective, the canon law ensured voluntary unions by annulling marriages formed through mistake, duress, fraud, or coercion. It granted husband and wife alike equal rights to enforce conjugal debts that had been voluntarily assumed, and emphasized the importance of mutual love among the couple and their children. Consistent with the sacramental perspective, the Church protected the sanctity and sanctifying purpose of marriage by declaring valid marital bonds to be indissoluble, and by annulling invalid unions between Christians and non-Christians or between parties related by various legal, spiritual, blood, or familial ties. It supported celibacy by annulling unconsummated vows of marriage if one party made a vow of chastity and by prohibiting clerics or monastics from marriage and concubinage.

The medieval canon law of marriage was a watershed in the history of Western law. On the one hand, it distilled the most enduring teachings of the Bible and the Church Fathers and the most salient rules of earlier Jewish, Greek, and Roman laws. On the other hand, it set out many of the basic concepts and rules of marriage and family life that have persisted to this day—in Catholic, Protestant, and secular polities alike. Particularly, the great decree *Tametsi*, issued by the Council of Trent in 1563, codified and refined this medieval law of marriage, making mandatory the earlier canon that marriage formation requires parental consent, two witnesses, civil registration, and church consecration. A 1566 Catechism commissioned by the same Council, and widely disseminated in the Catholic world in multiple translations, rendered the underlying sacramental theology of marriage clear and accessible to clergy and laity alike.

The Protestant reformers of the sixteenth and seventeenth centuries supplanted the Catholic sacramental model of marriage and the family with a social model. Like Catholics, Protestants retained the naturalist perspective of the family as an association created for procreation and mutual protection. They also retained the contractual perspective of marriage as a voluntary association formed by the mutual consent of the couple. Unlike Catholics, however, Protestants rejected the subordination of marriage to celibacy and the celebration of marriage as a sacrament. According to common Protestant lore, the person was too tempted by sinful passion to forgo God's remedy of marriage. The celibate life had no superior virtue and was no prerequisite for clerical service. It led too easily to concubinage and homosexuality and impeded too often the access and activities of the clerical office. Moreover, marriage was not a sacrament. It was an independent social institution ordained by God, and equal in dignity and social responsibility with the church, state, and other social units. Participation in marriage required no prerequisite faith or purity and conferred no sanctifying grace, as did true sacraments.

Calvinist Protestants emphasized that marriage was not a sacramental institution of the Church, but a covenantal association of the entire community. A variety of parties played a part in the formation of the marriage covenant. The marital couple themselves swore their betrothals and espousals before each other and God—rendering all marriages triparty agreements with God as party, witness, and judge. The couple's parents, as God's bishops for children, gave their consent to the union. Two individuals, as God's priests to their peers, served as witnesses to the marriage. The minister, holding the spiritual power of the Word, blessed the couple and admonished them in their spiritual duties. The magistrate, holding the temporal power of the sword, registered the parties and their properties and ensured the legality of their union.

This involvement of parents, peers, ministers, and magistrates in the formation of a marriage was not an idle or dispensable ceremony. These four parties represented different dimensions of God's involvement in the marriage covenant, and were thus essential to the legitimacy of the marriage itself. To omit any of these parties was, in effect, to omit God from the marriage covenant. Protestant covenant theology thus helped to integrate what became universal requirements of valid marriage in the West after the mid-sixteenth century—mutual consent of the couple, parental consent, two witnesses, civil registration, and church consecration.

As a social estate, Protestants taught, marriage was no longer subject to the Church and its canon law, but to the state and its civil law. To be sure, church officials should continue to communicate biblical moral principles respecting sexuality and parenthood. Church consistories could serve as state agents to register marriages and to discipline infidelity and abuse within the household. All church members, as priests, should counsel those who seek marriage and divorce, and cultivate the moral and material welfare of baptized children, as their congregational vows in the sacrament of baptism required. But principal legal authority over marriage, most Protestants taught, lay with the state, not with the Church.

Despite the bitter invectives against the Catholic canon law by early Protestant theologians—symbolized poignantly in Luther's burning of the canon law and confessional books in 1520—Protestant rulers and jurists appropriated much of the traditional canon law of marriage and the family. Traditional canon law prohibitions against unnatural sexual relations and acts and against infringements of the procreative functions of marriage remained in effect. Canon law procedures

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treating wife and child abuse, paternal delinquency, child custody, and the like continued. Canon law impediments that protected free consent, that implemented biblical prohibitions against marriage of relatives, and that governed the relations of husband and wife and parent and child within the household were largely retained.

The new Protestant theology of marriage, however, also yielded critical changes in the new civil law of marriage. Because the reformers rejected the subordination of marriage to celibacy, they rejected laws that forbade clerical and monastic marriage and that permitted vows of chastity to annul vows of marriage. Because they rejected the sacramental concept of marriage as an eternal enduring bond, the reformers introduced divorce in the modern sense, on grounds of adultery, desertion, cruelty, or frigidity, with a subsequent right to remarry at least for the innocent party. Because persons by their lustful nature were in need of God's soothing remedy of marriage, the reformers rejected numerous canon law impediments to marriage not countenanced by Scripture.

After the sixteenth century, these two Christian models of marriage lay at the heart of Western marriage law. The medieval Catholic model, confirmed and elaborated by the Council of Trent, flourished in southern Europe, Spain, Portugal, and France, and their many trans-Atlantic colonies. A Protestant social model rooted in the Lutheran two kingdoms theory dominated portions of Germany, Austria, Switzerland, and Scandinavia together with their colonies. A Protestant social model rooted in Calvinist covenant theology came to strong expression in Calvinist Geneva, and in portions of Huguenot France, the Pietist Netherlands, Presbyterian Scotland, and Puritan England and New England. A Protestant social model rooted in an Anglican theology of the overlapping domestic, ecclesiastical, and political commonwealths dominated England and its many colonies all along the Atlantic seaboard.

These European Christian models of marriage were transmitted across the Atlantic to America during the great waves of colonization and immigration in the sixteenth to eighteenth centuries. They provided much of the theological foundation for the American law of marriage until well into the nineteenth century.

Catholic models of marriage, while not prominent in early America, came to direct application in parts of the colonial American south and southwest. Before the United States acquired the territories of Louisiana (1803), the Floridas (1819), Texas (1836), New Mexico (1848), and California (1848), these colonies were under the formal authority of Spain, and under the formal jurisdiction and the canon law of the Catholic Church.

To be sure, there was ample disparity between the law on the books and the law in action, particularly on the vast and sparsely populated frontier. Religious and political authorities alike often had to recognize the validity of private marriages formed simply by mutual consent, particularly if the union had brought forth children. Yet the church hierarchy sought to enforce the marital formation rules of *Tametsi*—mutual consent of the couple, parental consent on both sides, two witnesses to betrothals and espousals, and priestly consecration in the face of the Church (or, in the absence of a priest, which was not uncommon, a substitute "marital bond" pending later consecration). Privately or putatively married couples who had defied these rules sometimes faced sanctions. Intermarriage between Catholics and non-Catholics, in open defiance of the sacrament, led to involuntary annulment of the union and the illegitimating of children born of the same. Ecclesiastical authorities also grudgingly acceded to the reality of divorce and remarriage, particularly in distant regions to the north and west that lay beyond their practical reach. Yet their persistent teaching was that a marriage, once properly contracted, was an indissoluble union to be maintained until the death of one of the parties.

With the formal acquisition of these territories by the United States in the nineteenth century, jurisdiction over marriage shifted to the American Congress and, after statehood, to local state governments. These new civil governments at first rejected portions of the inherited Catholic tradition of marriage—sometimes ruefully, thereby introducing a persistent streak of anti-Catholicism in American marriage law tracts for the next century and more. Particularly the Church's administration of marriage laws and the canonical prohibitions on religious intermarriage and on divorce and remarriage were written out of the new state laws almost immediately. But the Catholic clergy in these territories were generally left free to teach the doctrines and retain the canons of marriage for their own parishioners. Marriages contracted and consecrated before Catholic priests were eventually recognized in all former Spanish colonies in America. The Catholic hierarchy was generally free to pass and enforce new rules for sex, marriage, and family life to guide their own faithful and to advocate state adoption of these rules. Many basic Christian marital norms thereby found their way into American common law, particularly with the exponential growth of America Catholicism in the later nineteenth century.

Protestant models of marriage were much more influential in shaping early American marriage law. By the American Revolution of 1776, the Atlantic seaboard was a veritable checkerboard of Protestant pluralism. These plural Protestant polities, though

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hardly uniform in their marital norms and habits, were largely united in their adherence to basic Protestant teachings. While adhering to many of the same basic Christian norms of sex, marriage, and domestic life taught by Catholics, they rejected Catholic sacramental views of marriage and ecclesiastical jurisdiction over marital formation, maintenance, and dissolution. They encouraged ministers to be married. They permitted religious intermarriage. They truncated the law of impediments. They allowed for divorce on proof of fault. They encouraged remarriage of those divorced or widowed.

One issue, however, divided these Protestant communities rather sharply—jurisdictional conflicts over marriage and divorce. New England Calvinist communities, from the beginning of the colonial period, allowed eligible couples to choose to marry before a justice of the peace or a religious official. Anglican communities, following the *Book of Common Prayer*, insisted that such marriages be contracted "in the face of the Church" and be consecrated by a properly licensed religious official. Calvinist communities in the North granted local civil courts jurisdiction over issues of divorce, annulment, child custody, and division of the marital estate. Anglican communities in the South insisted that only the legislature should hear and decide such cases. These jurisdictional differences between North and South were eventually smoothed over in the nineteenth century—with the mid-Atlantic and mid-Western states often providing examples of a middle way between them. The New England way ultimately prevailed.

Aside from these jurisdictional differences, however, a common "Protestant temperament" attended much of the American legal understanding of marriage in the nineteenth and early twentieth centuries. Most common law authorities accepted Protestant social models of marriage that placed special emphasis on the personal felicity, social utility, and moral civility of this godly institution. Joseph Story, for example, one of the leading American jurists of the nineteenth century, wrote repeatedly that marriage is "more than a mere contract." He elaborated this sentiment in 1834, arguing that marriage might be best viewed as a balance of natural, social, and spiritual contracts:

> Marriage is treated by all civilized societies as a peculiar and favored contract. It is in its origin a contract of natural law. . . . It is the parent, and not the child of society; the source of civility and a sort of seminary of the republic. In civil society it becomes a civil contract, regulated and prescribed by law, and endowed with civil consequences. In most civilized countries, acting under a sense of the force of sacred obligations, it has had the sanctions of religion superadded. It then becomes a religious, as well as a natural and civil contract.

Similarly, the United States Supreme Court spoke repeatedly of marriage not simply as a contract but as "a Godly ordinance," "a divine covenant," "a sacred obligation." In *Murphy v. Ramsey* (1885), one of a series of Supreme Court cases upholding the constitutionality of anti-polygamy laws, Justice Stephen J. Field declared for the Court:

> For, certainly, no legislation can be supposed more wholesome and necessary in the founding of a free, self-governing commonwealth . . . than that which seeks to establish it on the basis of the idea of the family, as consisting in and springing from the union for life of one man and one woman in the holy estate of matrimony; the sure foundation of all that is stable and noble in our civilization; the best guarantee of that reverent morality which is the source of all beneficent progress in social and political improvement.

Not only the basic theology, but also the basic law of marriage inherited from earlier Protestant models found its way into early American law. With ample variations across state jurisdictions, a typical state statute in the nineteenth century defined marriage as a permanent monogamous union between a fit man and a fit woman of the age of consent, designed for mutual love and support and for mutual procreation and protection. The common law required that betrothals be formal, and, in some states, that formal banns be published for three weeks before the wedding. It required that marriages of minors be contracted with parental consent on both sides, and that all marriages be contracted in the company of two or more witnesses. It required marriage licenses and registration and solemnization before civil and/or religious authorities. It prohibited marriages between couples related by various blood or family ties identified in the Mosaic law. The common law discouraged—and, in some states, annulled—marriage where one party was impotent, sterile, or had a contagious disease that precluded procreation or gravely endangered the health of the other spouse. Couples who sought to divorce had to publicize their intentions, to petition a court, to show adequate cause or fault, to make permanent provision for the dependent spouse and children. Criminal laws outlawed fornication, adultery, sodomy, polygamy, incest, contraception, abortion, and other perceived sexual offenses against the natural goods and goals of sex and marriage. Tort laws held third parties subject to suit for seduction, enticement, loss of consortium, or alienation of the affections of one's spouse.

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The Enlightenment contractarian model of marriage was adumbrated in the eighteenth century, elaborated theoretically in the nineteenth century, and implemented legally in the twentieth century. Exponents of the Enlightenment introduced a theology of marriage that gave new, and sometimes exclusive, priority to the contractual perspective. The essence of marriage, they argued, was neither its sacramental symbolism, nor its covenantal association, nor its social utility for the community and commonwealth. The essence of marriage was the voluntary bargain struck between the two married parties. The terms of their marital bargain were not preset by God or nature, church or state, tradition or community. These terms were set by the parties themselves, in accordance with general rules of contract formation and general norms of civil society. Such rules and norms demanded respect for the life, liberty, and property interests of other parties, and compliance with general standards of health, safety, and welfare in the community. But the form and function and the length and limits of the marital relationship were to be left to the private bargain of the parties—each of whom enjoyed full equality and liberty, both with each other and within the broader civil society. Couples should now be able to make their own marriage beds, and lie in them or leave them as they saw fit.

This contractarian model of marriage, already adumbrated ambivalently by John Locke in his *Two Treatises of Government* (1690), was elaborated in endless varieties and combinations in the eighteenth and nineteenth centuries. The Enlightenment was no single, unified movement, but a series of diverse ideological movements, in various academic disciplines and social circles throughout Europe and North America. For all the variations on its basic themes, however, the Enlightenment was quite consistent in its formulation of marriage as contract and quite insistent on the reformation of traditional marriage laws along contractarian lines.

It must be emphasized that the inspiration for this model was not simply ideological fiat. The Enlightenment model was aimed at the abuses that sometimes attended traditional Christian doctrines of marriage in action. The traditional doctrine of parental consent to marriage, for example, gave parents a strong hand in the marital decisions of their children. Some enterprising parents used this as a means to coerce their children into arranged marriages born of their own commercial or diplomatic convenience, or to sell their consent to the highest bidder for their children's affections. The traditional doctrine of church consecration of marriage gave clergy an effective instrument to probe deeply into the intimacies of their parishioners. Some enterprising clergy used this as a means to extract huge sums for their marital consecration, or to play the role of officious matchmaker in callous defiance of the wills of the marital parties or their parents.

The traditional doctrine of common law coverture, which folded the person and property of the wife into that of her husband, gave husbands the premier place in the governance of the household. Some enterprising husbands used this as a license to control closely the conduct and careers of their wives, or, worse, to visit all manner of savage abuses upon them and upon their children, often with legal impunity. The traditional doctrine of adultery imposed upon innocent children the highest costs of their parents' extramarital experimentation. Children conceived of such dalliances were sometimes aborted *in utero* or smothered on birth. If they survived, they were declared illegitimate with severely truncated civil, political, and property rights. It was, in part, these and other kinds of abuses manifest in the Christian models of marriage in action that compelled Enlightenment exponents to strip marriage and its law to its contractual core.

Exponents of the Enlightenment advocated the abolition of much that was considered sound and sacred in the Western legal tradition of marriage. They urged the abolition of the requirements of parental consent, church consecration, and formal witnesses for marriage. They questioned the exalted status of heterosexual monogamy, suggesting that such matters be left to private negotiation. They called for the absolute equality of husband and wife to receive, hold, and alienate property, to enter into contracts and commerce, to participate on equal terms in the workplace and public square. They castigated the state for leaving annulment practice to the Church, and urged that the laws of annulment and divorce be both merged and expanded under exclusive state jurisdiction. They urged that paternal abuse of children be severely punished and that the state ensure the proper nurture and education of all children, legitimate and illegitimate alike.

This contractarian gospel for the reformation of marriage was too radical to transform much of American law in the nineteenth century, but it anticipated much of the agenda for the reform of American marriage law in the twentieth century. The reform proceeded in two waves. The first wave, which crested from 1910 to 1940, was designed to bring greater equality and equity to the traditional family and civil society, without denying the basic values of the inherited Western tradition of marriage. The second wave, which began in 1965 and whose crest we are still riding, seems calculated to break the preeminence of traditional marriage, and the basic values of the Western tradition that have sustained it.

In the early part of the twentieth century, sweeping new laws eventually broke the legal bonds of coverture that bound the person and property of a married

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woman. Married women eventually gained the right to hold independent title and control of, and exercise independent contractual and testimonial rights over, the property they brought into the marriage or acquired thereafter. They also gained the capacity to litigate in respect of their property, without interference from their husbands. As their rights to property were enhanced, married women slowly gained broader rights to higher education, learned societies, trade and commercial guilds and unions, and various professions, occupations, and societies, and ultimately to the right to vote in political elections—all of which had been largely closed to them, by custom or by statute.

Other new laws provided that, in cases of annulment or divorce, courts had discretion to place minor children in the custody of that parent who was best suited to care for them. This reversed the traditional presumption that child custody automatically belonged to the father, regardless of whether he was at fault in breaking the marriage. The wife could now gain custody after marriage, particularly when children were of tender years or when the husband was found to be cruel, abusive, or unfit as a caretaker. Courts retained the traditional power to order guilty husbands to pay alimony to innocent wives; they also gained new powers to make other "reasonable" allocations of marital property to the innocent wife for child support.

Other new laws granted greater protection to minor children, within and without the household. Firm new laws against assault and abuse offered substantive and procedural protections to children, particularly those who suffered under intemperate parents or guardians. Ample new tax appropriations were made available to orphanages and other charities catering to children. Abortion and infanticide were subject to strong new criminal prohibitions. Child labor was strictly outlawed. Educational opportunities for children, boys and girls alike, were substantially enhanced through the expansion of public schools. Illegitimate children could be more easily legitimated through subsequent marriage of their natural parents, and eventually also through adoption by any fit parent, even if not a blood relative. Annulments no longer automatically illegitimated children born of a putative marriage, particularly if the child remained in the custody of one of the two parents.

This first wave of legal reforms sought to improve traditional marriage and family life more than to abandon it. Most legal writers in the first half of the twentieth century still accepted the traditional Western ideal of marriage as a permanent union of a fit man and fit woman of the age of consent. Most accepted the classic Augustinian definition of the marital goods of *fides, proles, et sacramentum*—sacrificial love of the couple, benevolent procreation of children, and structural stability of marriage as a pillar of civil society. The primary goal of these early reforms was to purge the traditional household and community of its paternalism and patriarchy and thus render the ideals of marriage and family life a greater potential reality for all.

The same judgment cannot be so easily cast for the second wave of legal reforms. Since the 1960s, American writers have been pressing the Enlightenment contractarian model of marriage to more radical conclusions. The same Enlightenment ideals of freedom, equality, and privacy that had earlier driven reforms of traditional marriage laws are now increasingly being used to reject traditional marriage laws altogether. The early Enlightenment ideal of marriage as a permanent contractual union designed for the sake of mutual love, procreation, and protection is slowly giving way to a new reality of marriage as a terminal sexual contract designed for the gratification of the individual parties.

The Uniform Marriage and Divorce Act (1987)—both a barometer of enlightened legal opinion and a mirror of conventional custom on marriage—reflects these legal changes. The Uniform Act defines marriage simply as "a personal relationship between a man and a woman arising out of a civil contract to which the consent of the parties is essential." Historically, valid marriage contracts required the consent of parents or guardians, the attestation of two witnesses, church consecration, and civil licensing and registration. The Uniform Act requires only the minimal formalities of licensing and registration for all marriages, and parental consent for children under the age of majority. Marriages contracted in violation of these requirements are still presumptively valid and immune from independent legal attack, unless the parties themselves petition for dissolution within ninety days of contracting marriage. Historically, impediments of infancy, incapacity, inebriation, consanguinity, affinity, sterility, frigidity, and bigamy, among several others, would nullify the marriage or render it voidable and subject to attack from various parties. It would also expose parties who married in knowing violation of these impediments to civil and criminal sanctions. The Uniform Act makes no provision for sanctions, and leaves the choice of nullification to the parties alone. The Act does confirm the traditional impediments protecting consent—granting parties standing to dissolve marriages where they lacked the capacity to contract by reason of infirmity, mental incapacity, alcohol, drugs, or other incapacitating substances, or where there was force, duress, fraud, or coercion into entering a marriage contract. But the Act limits the other impediments to prohibitions against bigamy and marriages between "half or whole blood relatives" or parties related by adoption. And in many states that have adopted the Uniform Act,

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all impediments, save the prohibition against bigamy, are regularly waived in individual cases.

These provisions of the Uniform Marriage and Divorce Act reflect a basic principle of modern American constitutional law, first articulated clearly by the United States Supreme Court in *Loving v. Virginia* (1967): "The freedom to marry has long been recognized as one of the vital personal rights essential to the orderly pursuit of happiness by free men. Marriage is one of the 'basic civil rights of man,' fundamental to our very existence and survival." Using that principle, the Court has struck down, as undue burdens on the right to marry, a state prohibition against interracial marriage, a requirement that noncustodial parents obligated to pay child support must receive judicial permission to marry, and a requirement that a prisoner must receive a warden's permission to marry.

The Supreme Court has expanded this principle of freedom of marital contract into a more general right of sexual privacy within the household. In *Griswold v. Connecticut* (1965), for example, the Supreme Court struck down a state law banning the use of contraceptives by a married couple as a violation of their freedom to choose whether to have or to forgo children. In *Eisenstadt v. Baird* (1972), the Court stated its rationale clearly: "The marital couple is not an independent entity with a mind and heart of its own, but an association of two individuals, each with a separate emotional and intellectual makeup. If the right of privacy means anything, it is the right of the *individual*, married or single, to be free from unwanted governmental intrusion into matters so fundamentally affecting the person as the decision whether to bear or beget a child." In *Roe v. Wade* (1973), the Court extended this privacy principle to cover the right of abortion by a married or unmarried woman—without interference by the state, her husband, parent, or other third party. Still today, a married woman cannot be required to obtain permission from her husband to have an abortion.

State legislatures and courts have extended these principles of freedom of contract and sexual privacy to other aspects of marriage. Many states, for example, have abandoned their traditional reticence about enforcing prenuptial and marital contracts. The Uniform Premarital Agreement Act, adopted in nearly half the states today, allows parties to contract, in advance of their marriage, all rights pertaining to their individual and common property and "any other matter, including their personal rights and obligations, not in violation of public policy or a statute imposing a criminal penalty."

Similarly, many states have left marital parties free to contract agreements on their own, or with a private mediator, in the event of temporary or permanent separation. The Uniform Marriage and Divorce Act provides that "parties may enter into a written separation agreement containing provisions for disposition of property owned by either of them, maintenance of either of them, and support, custody, and visitation of their children." Such agreements are presumptively binding on a court. Absent a finding of unconscionability, courts will enforce these agreements on their own terms, reserving the right to alter those contract provisions that bear adversely on the couple's children. If the separation ripens into divorce, courts will also often incorporate these separation agreements into the divorce decree, again with little scrutiny of the contents of the agreement.

The same principles of freedom of contract and sexual privacy dominate contemporary American laws of divorce. Until the mid-1960s, a suit for divorce required proof of the fault of one's spouse (such as adultery, desertion, or cruelty), and no evidence of collusion, connivance, condonation, or provocation by the other spouse. Today, this law of divorce has been abandoned. Every state has promulgated a "no-fault divorce" statute, and virtually all states allow for divorce on the motion of only one party. Even if the innocent spouse forgives the fault and objects to the divorce, courts must grant the divorce if the plaintiff insists. The Uniform Act and fifteen states have eliminated altogether consideration of the fault of either spouse—even if the fault rises to the level of criminal conduct. The remaining states consider fault only for questions of child custody, not for questions of the divorce itself.

Virtually all states have also ordered a one-time division of marital property between the divorced parties. Parties may determine their own property division through prenuptial or separation agreements, which the courts will enforce if the agreements are not unconscionable. But, absent such agreements, courts will simply pool the entire assets of the marital household and make an equitable division of the collective property. These one-time divisions of property have largely replaced traditional forms of alimony and other forms of ongoing support—regardless of the fault, expectations, or needs of either party.

These two reforms of the modern law of divorce served to protect both the privacy and the contractual freedom of the marital parties. No-fault divorces freed marital parties from exposing their marital discords or infidelities to judicial scrutiny and public record. One-time marital property divisions gave parties a clean break from each other and the freedom to marry another. Both changes, together, allowed parties to terminate their marriages as easily and efficiently as they were able to contract them, without much interference from the state or from the other spouse.

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These principles of contractual freedom are qualified in divorce cases involving minor children. The fault of the marital party does still figure modestly in current decisions about child custody. The traditional rule was that custody of children was presumptively granted to the mother, unless she was found guilty of serious marital fault or maternal incompetence. Proof of marital fault by the husband, particularly adultery, homosexuality, or prostitution, virtually eliminated his chances of gaining custody, even if the wife was also at fault. Today, the court's custodial decisions are guided by the proverbial principle of the "best interests of the child." According to the Uniform Marriage and Divorce Act, courts must consider at once the child's custodial preferences, the parents' custodial interests, "the interrelationship of the child with his [or her] parent or parents," "the child's adjustment to his [or her] home, school, or community," and "the mental and physical health of all parties involved." "The court shall not consider the conduct of a proposed custodian that does not affect his relationship to the child," the Uniform Act concludes, setting a high burden of proof for those who wish to make their spouse's marital fault an issue in a contested custody case. Under this new standard, the presumption of maternal custody is quickly softening, and joint and shared custody arrangements are becoming increasingly common.

A Hegelian might well be happy with this dialectical story. Christian models of marriage that prioritized religious norms and ecclesiastical strictures squared off against Enlightenment models of marriage that prioritized private choice and contractual strictures. Christianity was exposed for its penchant for paternalism and patriarchy, and lost. The Enlightenment was embraced for its promise of liberty and equality, and won. Thesis gives way to antithesis. Such is the way of progress.

But the story is not so simple. It is true that the Enlightenment ideal of marriage as a privately bargained contract between husband and wife about all their rights, goods, and interests has largely become a legal reality in America. The strong presumption today is that adult parties have free entrance into marital contracts, free exercise of marital relationships, and free exit from marriages once their contractual obligations are discharged. Parties are still bound to continue to support their minor children, within and without marriage. But this merely expresses another basic principle of contract law—that parties respect the reliance and expectation interests of their children, who are third party beneficiaries of their marital or sexual contracts.

It is equally true, however, that undue contractualization of marriage has brought ruin to many women and children, as many nineteenth-century conservatives had warned. Premarital, marital, separation, and divorce contracts too often are not arms-length transactions, and too often are not driven by rational calculus alone. In the heady romance of budding nuptials, parties are often blind to the full consequences of their bargain. In the emotional anguish of separation and divorce, parties are often driven more by the desire for short-term relief from the other spouse than by the concern for long-term welfare of themselves or their children. The economically stronger and more calculating spouse triumphs in these contexts. And in the majority of cases today, that party is still the man—despite the tempting egalitarian rhetoric to the contrary.

"Underneath the mantle of equality [and freedom] that has been draped over the ongoing family, the state of nature flourishes," Mary Ann Glendon writes. In this state of nature, contractual freedom and sexual privacy reign supreme. But also in this state of nature, married life is becoming increasingly "nasty, brutish, and short," with women and children bearing the primary costs. The very contractarian gospel that first promised salvation from the abuses of earlier Christian models of marriage now threatens with even graver abuse.

What is the way out of this dilemma? Surely, part of the way forward is to look backward—back to the sources of our marriage traditions, but now newly enlightened. The achievements of the Enlightenment in reforming the traditional theology and law of marriage cannot be lost on us. It took the contractual radicalism of the Enlightenment to force the Western tradition to reform itself—to grant greater respect to the rights of women and children, to break the monopoly and monotony of outmoded moral and religious forms and forums respecting sexuality, marriage, and the family. It took the bold step of stripping marriage and its law to its contractual core for the Western tradition to see the need to reform its basic doctrines of parental consent, church consecration, male headship, and child illegitimation. While some religious traditions may have retrieved or conceived their own resources to achieve these reforms, it was the Enlightenment critique that forced these traditions to reform themselves and the state to reform its laws. This was no small achievement.

But just as the Enlightenment tradition still has much to teach us today, so do the earlier Catholic and Protestant traditions of the West. First, these Western Christian traditions have seen that a marriage is at once a contractual, religious, social, and natural association, and that in order to survive and flourish, this institution must be governed both externally by legal authorities and internally by moral authorities. From different perspectives, Catholic and Protestant traditions have seen that marriage is an inherently communal enterprise, in which marital couples, magistrates,

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and ministers must all inevitably cooperate. After all, marital contracts are of little value without courts to enforce them. Marital properties are of little use without laws to validate them. Marital laws are of little consequence without canons to inspire them. Marital customs are of little cogency without natural norms and narratives to ground them.

The modern lesson in this is that we must resist the temptation to reduce marriage to a single perspective, or to a single forum. A single perspective on marriage—whether religious, social, or contractual—does not capture the full nuance of this institution. A single forum—whether the church, state, or the household itself—is not fully competent to govern all marital questions. Marriage demands multiple forums and multiple laws to be governed adequately. American religious communities must think more seriously about restoring and reforming their own bodies of religious law on marriage, divorce, and sexuality, instead of simply acquiescing in state laws. American states must think more seriously about granting greater deference to the marital laws and customs of legitimate religious and cultural groups that cannot accept a marriage law of the common denominator or denomination. Other sophisticated legal cultures—Denmark, England, India, and South Africa—grant semi-autonomy to Catholic, Hindu, Jewish, Muslim, and Traditional groups to conduct their subjects' domestic affairs in accordance with their own laws and customs, with the state setting only minimum conditions and limits. It might well be time for America likewise to translate its growing cultural pluralism into a more concrete legal pluralism on marriage and family life.

Second, the Western tradition has learned to distinguish between betrothals and espousals, engagements and weddings. Betrothals were defined as a future promise to marry, to be announced publicly in the local community and to be fulfilled after a suitable waiting period. Espousals were defined as the present promise to marry, to be celebrated in a public ceremony before civil and/or religious officials. The point of a public betrothal and waiting period was to allow couples to weigh the depth and durability of their mutual love. It was also to invite others to weigh in on the maturity and compatibility of the couple, to offer them counsel and commodities, and to prepare for the celebration of their union and their life together thereafter. Too long an engagement would encourage the couple to fornication. But too short an engagement would discourage them from introspection. Too secret and private a marriage would deprive couples of the essential counsel and gifts of their families and friends. But too public and routinized a marriage would deprive couples of the indispensable privacy and intimacy needed to tailor their nuptials to their own preferences. Hence the traditional balance of engagement and wedding, of publicity and privacy, of waiting and consummating.

The modern lesson in this is that we must resist collapsing the steps of engagement and marriage, and restore reasonable waiting periods between them, especially for younger couples. Today, in most states, marriage requires only the acquisition of a license from the state registry followed by solemnization before a licensed official—without banns, with little waiting, with no public celebration, without notification of others. So sublime and serious a step in life seems to demand a good deal more prudent regulation than this. It may well not be appropriate in every case to invite parents and peers, ministers and magistrates to evaluate the maturity and compatibility of the couple. Our modern doctrines of privacy and disestablishment of religion militate against this. But, especially in the absence of such third parties, the state should require marital parties themselves to spend some time weighing their present maturity and prospective commitment. A presumptive waiting period of at least ninety days between formal engagement and wedding day seems to be reasonable, given the stakes involved—particularly if the parties are under twenty-five years of age. Probationary waiting periods, particularly for younger parties, are routinely required to enter a contract for a home mortgage, or to procure a license to operate a motor vehicle or handgun. Given the much higher stakes involved, marital contracts should be subject to at least comparable conditions.

Third, the Western tradition has learned to distinguish between annulment and divorce. Annulment is a decision that a putative marriage was void from the start, by reason of some impediment that lay undiscovered or undisclosed at the time of the wedding. Divorce is a decision that a marriage once properly contracted must now be dissolved by reason of the fault of one of the parties after their wedding. The spiritual and psychological calculus and costs are different in these decisions. In annulment cases, a party may discover features of their marriage or spouse that need not, and sometimes cannot, be forgiven—that they were manipulated or coerced into marriage; that the parties are improperly related by blood or family ties; that the spouse will not or cannot perform expected connubial duties; that the spouse misrepresented a fundamental part of his or her faith, character, or history. Annulment in such instances is prudent, sometimes mandatory, even if painful. In divorce cases, by contrast, the moral inclination (and, for some, the moral imperative) is to forgive a spouse's infidelity, desertion, cruelty, or crime. Divorce, in such instances, might be licit, even prudent, but it often feels like, and is treated as, a personal failure even for the innocent spouse. The historical remedy

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was often calculated patience; early death by one spouse was the most common cure for broken marriages. In the modern age of fitness and longevity, this remedy is less available.

The modern lesson in this is that not all marital dissolutions are equal. Today, most states have simply collapsed annulment and divorce into a single action, with little procedural or substantive distinction between them. This is one (largely forgotten) source of our exponentially increased divorce rates; historically, annulment rates were counted separately. This is one reason that religious bodies have been largely excluded from the marital dissolution process; historically, annulment decisions were often made by religious bodies and then enforced by state courts. And this is one reason that "no-fault" divorce has become so attractive; parties often have neither the statutory mechanism nor the procedural incentive to plead a legitimate impediment. Parties seeking dissolution are thus herded together in one legal process of divorce—subject to the same generic rules respecting children and property, and prone to the same generic stigmatizing by self and others.

Fourth, the Western tradition has learned, through centuries of hard experience, to balance the norms of marital formation and dissolution. There was something cruel, for example, in a medieval Catholic canon law that countenanced easy contracting of marriage but provided for no escape from a marriage once properly contracted. The Council of Trent responded to this inequity in the *Tametsi* decree of 1563 by establishing several safeguards to the legitimate contracting of marriage—parental consent, peer witness, civil registration, and church consecration—so that an inapt or immature couple would be less likely to marry. There was something equally cruel in the rigid insistence of some early Protestants on reconciliation of all married couples at all costs—save those few who could successfully sue for divorce. Later Protestants responded to this inequity by reinstituting the traditional remedy of separation from bed and board for miserable couples incapable of either reconciliation or divorce.

The modern lesson in this is that rules governing marriage formation and dissolution must be balanced in their stringency—and separation must be maintained as a release valve. Stern rules of marital dissolution require stern rules of marital formation. Loose formation rules demand loose dissolution rules, as we see today. To fix the modern problem of broken marriages requires reforms of rules at both ends of the marital process. Today, more than twenty states have bills under discussion seeking to tighten the rules of divorce, without corresponding attention to the rules of marital formation and separation. Such efforts, standing alone, are misguided. The cause of escalating divorce rates is not only no-fault divorce, as is so often said, but also no-faith marriage.

Fifth, the Western tradition has recognized that the household has multiple forms, that it can change over time and across cultures. The celebrated nuclear family of husband and wife, daughter and son, is only one model that the Western tradition has cherished. It was common in the past to extend the theological and legal concept of the family to other kinds of units—the single household with one parent alongside children, stepchildren, adopted children, or grandchildren; the extended household embracing servants, students, and sojourners or embracing three or four generations of relatives with obligations of mutual care and nurture among them; the communal household of siblings or friends, single or widowed, with or without children; the spiritual household of brothers and sisters joined in the cloister, chantry, or charity, and dedicated to service of God, neighbor, and each other.

The modern lesson in this is that we must not cling too dogmatically to an ideal form of household. It was common in the recent past for the establishment to look askance on the commune but approvingly on the community home, to look churlishly at the divorcée but charitably on the widow, to look suspiciously on the spinster but benevolently on the spurned. Today, we accept, sometimes even admire, communes, divorcées, and spinsters—and make provision for them in our laws of taxation, property, and zoning as well as in our pastoral, diaconal, and pedagogical ministries.

Finally, the Western tradition has recognized that marriage and the family have multiple goods and goals. This institution might well be rooted in the natural order and in the will of the parties. Participation in it might not necessarily be vital, or even conducive, to a person's salvation. But the Western tradition has seen that marriage and family are indispensable to the integrity of the individual and the preservation of the social order.

In Catholic and Anglican parlance, marriage has three inherent goods, which, as we have seen, St. Augustine identified as *fides, proles, et sacramentum.* Marriage is an institution of *fides*—faith, trust, and love between husband and wife, and parent and child, that goes beyond the faith demanded of any other temporal relationship. Marriage is a source of *proles*—children who carry on the family name and tradition, perpetuate the human species, and fill God's Church with the next generation of saints. Marriage is a form of *sacramentum*—a symbolic expression of Christ's love for his Church, even a channel of God's grace to sanctify the couple, their children, and the broader community.

In Lutheran and Calvinist parlance, marriage has both civil and spiritual uses in this life. On the one

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hand, the family has general "civil uses" for all persons, regardless of their faith. Marriage deters vice by furnishing preferred options to prostitution, promiscuity, pornography, and other forms of sexual pathos. Marriage cultivates virtue by offering love, care, and nurture to its members, and holding out a model of charity, education, and sacrifice to the broader community. Ideally, marriage enhances the life of a man and a woman by providing them with a community of caring and sharing, of stability and support, of nurture and welfare. Ideally, marriage also enhances the life of the child, by providing it with a chrysalis of nurture and love, with a highly individualized form of socialization and education.

On the other hand, the family has specific "spiritual uses" for believers—ways of sustaining and strengthening them in their faith. The love of wife and husband can be among the strongest symbols we can experience of God's love for the elect, of Christ's love for the Church. The sacrifices we make for spouses and children can be among the best reflections we can offer of the perfect sacrifice of Golgotha. The procreation of children can be among the most important Words we have to utter. FT

Dawn

The dawn rises lovely but ill-fated
and full of grief. For as long as heartbreaks prey
upon our tragic world, this dawning day
should be forever famous and celebrated.
Only this dawn, as her lovely lights smother
the dark, will actually see, down by the sea,
that separation that no lover can bear to see:
the parting of one love from another.
Only this dawn will see, rising above
the world, our tears flowing with burning desire,
mingling together in a river of farewell.
Only this dawn will hear these sad words of love
which will chill even the unquenchable fire
and bring relief to all the damned in hell.

Luís de Camões (1524/25-1580)
Translated from the Portuguese by William Baer

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What Is Left of Socialism

Leszek Kolakowski

Karl Marx—a powerful mind, a very learned man, and a good German writer—died 119 years ago. He lived in the age of steam; never in his life did he see a car, a telephone, or an electric light, to say nothing of later technological devices. His admirers and followers used to say and some keep saying: it doesn't matter, his teaching is still perfectly relevant to our time because the system he analyzed and attacked—capitalism—is still here. That Marx is worth reading is certain. The question is, however: Does his theory truly explain anything in our world and does it provide a ground for any predictions? The answer is, No. Another question is whether or not his theories were useful at one time. The answer is, obviously, Yes: they operated successfully as a set of slogans that were supposed to justify and glorify communism and the slavery that inevitably goes along with it.

When we ask what those theories explain or what Marx discovered, we may ask only about ideas that were specific to him, and not commonsense banalities. We should not make a laughingstock out of Marx by attributing to him the discovery that in all non-primitive societies there are social groups or classes having conflicting interests that lead them to fight with one another; this was known to ancient historians. Marx himself did not pretend to have made this kind of discovery; as he wrote in a letter to Joseph Weydemeyer in 1852, he had not discovered the class struggle but rather had proved that it leads to the dictatorship of the proletariat, which in turn leads ultimately to the abolition of classes. It is impossible to say where and how he "proved" this grandiose claim in his pre-1852 writings. To "explain" something means to subsume events or processes under laws; but "laws" in the Marxist sense are not the same as laws in the natural sciences, where they are understood as formulas stating that in well-defined conditions, well-defined phenomena always occur. What Marx called "laws" are rather historical tendencies. There is thus no clear-cut distinction in his theories between explanation and prophecy. Besides, he believed that the meaning of both past and present may be understood only by reference to the future, of which he claimed to have knowledge. Hence, for Marx, only what does not (yet) exist can explain what does exist. But it should be added that for Marx the future *does* exist, in a peculiar, Hegelian manner, even though it is unknowable.

All of Marx's important prophecies, however, have turned out to be false. First, he predicted growing class polarization and the disappearance of the middle class in societies based on a market economy. Karl Kautsky rightly stressed that if this prediction were wrong, the entire Marxist theory would be in ruins. It is clear that this prediction has proved to be wrong; rather, the opposite is the case. The middle classes are growing, whereas the working class in the sense Marx meant it has been dwindling in capitalist societies in the midst of technological progress.

Second, he predicted not only the relative but also the absolute impoverishment of the working class. This prediction was already wrong in his lifetime. As a matter of fact, it should be noticed that the author of *Capital* updated in the second edition various statistics and figures but not those relating to workers' wages; those figures, if updated, would have contradicted his theory. Not even the most doctrinaire Marxists have tried to cling to this obviously false prediction in recent decades.

Leszek Kolakowski, *Senior Research Fellow at All Souls College, Oxford, is the author most recently of* The Two Eyes of Spinoza and Other Essays on Philosophers *(St. Augustine's, 2002) and* Freedom, Fame, Lying, and Betrayal *(Westview, 1999). This article will appear in his forthcoming book,* My Correct Views on Everything, *published by St. Augustine's.*

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Third, and most importantly, Marx's theory predicted the inevitability of the proletarian revolution. Such a revolution has never occurred anywhere. The Bolshevik Revolution in Russia had nothing to do with Marxian prophesies. Its driving force was not a conflict between the industrial working class and capital, but rather was carried out under slogans that had no socialist, let alone Marxist, content: *Peace and land for peasants.* There is no need to mention that these slogans were to be subsequently turned into their opposite. What in the twentieth century perhaps comes closest to the working class revolution were the events in Poland of 1980-81: the revolutionary movement of industrial workers (very strongly supported by the intelligentsia) against the exploiters, that is to say, the state. And this solitary example of a working class revolution (if even this may be counted) was directed against a socialist state, and carried out under the sign of the cross, with the blessing of the Pope.

In the fourth place, one must mention Marx's prediction concerning the inevitable fall of the profit rate, a process that was supposed to lead ultimately to the collapse of the capitalist economy. Not unlike the others, this prediction proved to be simply wrong. Even according to Marx's theory, this could not be an inevitably operating regularity, because the same technical development that lowers the part of the variable capital in production costs is supposed to lower the value of the constant capital. Therefore the profit rate might remain stable or increase even if what Marx called "living labor" declines for a given unit of output. And even if this "law" were true, the mechanism whereby its operation would cause the decline and demise of capitalism is inconceivable, since the collapse of the profit rate can very well occur in conditions in which the absolute amount of profit is growing. This was noticed, for what it's worth, by Rosa Luxemburg, who invented a theory of her own about the inescapable collapse of capitalism, which proved to be no less wrong.

The fifth tenet of Marxism that has turned out to be erroneous is the prediction that the market will hamper technical progress. The exact opposite has quite obviously proved to be the case. Market economies have been shown to be extremely efficient in stimulating technological progress, whereas "real socialism" turned out to be technologically stagnating. Since it is undeniable that the market has created the greatest abundance ever known in human history, some neo-Marxists have felt compelled to change their approach. At one time, capitalism appeared horrifying because it produced misery; later, it turned out to be horrifying because it produces such abundance that it kills culture.

Neo-Marxists deplore what is called "consumerism," or "consumerist society." In our civilization there are indeed many alarming and deplorable phenomena associated with the growth of consumption. The point is, however, that what we know as the alternative to this civilization is incomparably worse. In all Communist societies, economic reforms (to the extent that they yielded any results at all) led invariably in the same direction: the partial restoration of the market, that is to say, of "capitalism."

As for the so-called materialist interpretation of history, it has provided us with a number of interesting insights and suggestions, but it has no explanatory value. In its strong, rigid version, for which one may find considerable support in many classical texts, it implies that social development depends entirely on the class struggle that ultimately, through the intermediary of changing "modes of production," is determined by the technological level of the society in question. It implies, moreover, that law, religion, philosophy, and other elements of culture have no history of their own, since their history is the history of the relations of production. This is an absurd claim, completely lacking in historical support.

If, on the other hand, the theory is taken in a weak, limited sense, it merely says that the history of culture has to be investigated in such a way that one should take account of social struggles and conflicting interests, that political institutions depend in part, at least negatively, on technological development and on social conflicts. This, however, is an uncontroversial banality that was known long before Marx. And so, the materialist interpretation of history is either nonsense or a banality.

Another component of Marx's theory that lacks explanatory power is his labor theory. Marx made two important additions to the theories of Adam Smith and David Ricardo. First, he stated that in relationships between workers and capital, the labor force, rather than labor, is being sold; secondly, he made a distinction between abstract and concrete labor. Neither of these principles has any empirical basis, and neither is needed to explain crises, competition, and conflict of interest. Crises and economic cycles are understandable by analyzing the movement of prices, and the theory of value adds nothing to our understanding of them. It seems that contemporary economics—as distinct from economical ideologies—would not differ much from what it is today if Marx had never been born.

The tenets I have mentioned are not chosen at random: they constitute the skeleton of the Marxian doctrine. Instead, there is hardly anything in Marxism that provides solutions to the many problems of our time, mainly because they were not urgent a century ago. As for ecological questions, we will find in Marx no more than a few romantic banalities about the unity of man with nature. Demographic problems are completely

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absent, apart from Marx's refusal to believe that anything like overpopulation in the absolute sense could ever occur. Neither may the dramatic problems of the Third World find help in his theory. Marx and Engels were strongly Eurocentric; they held other civilizations in contempt, and they praised the progressive effects of colonialism and imperialism (in India, Algeria, and Mexico). What mattered to them was the victory of higher civilization over backward ones; the idea of national determination was to Engels a matter for derision.

What Marxism is the least capable of explaining is the totalitarian socialism that appointed Marx as its prophet. Many Western Marxists used to repeat that socialism such as it existed in the Soviet Union had nothing to do with Marxist theory and that, deplorable as it might be, it was best explained by some specific conditions in Russia. If this is the case, how could it have happened that so many people in the nineteenth century, especially the anarchists, predicted fairly exactly what socialism based on Marxist principles would turn out to be—namely, state slavery? Proudhon argued that Marx's ideal is to make human beings state property. According to Bakunin, Marxian socialism would consist in the rule of the renegades of the ruling class, and it would be based on exploitation and oppression worse than anything previously known. According to the Polish anarcho-syndicalist Edward Abramowski, if communism were by some miracle to win in the moral conditions of contemporary society, it would result in class division and exploitation worse than what existed at the time (because institutional changes do not alter human motivations and moral behavior). Benjamin Tucker said that Marxism knows only one cure for monopolies, and that is a *single* monopoly.

These predictions were made in the nineteenth century, decades before the Russian Revolution. Were these people clairvoyant? No. Rather, one could make such predictions rationally, and infer from Marxian anticipations the system of socialized serfdom. It would be silly to say, of course, that this was the prophet's intention or that Marxism produced twentieth-century communism as its efficient cause. The victory of Russian communism resulted from a series of extraordinary accidents. But it might be said that Marx's theory contributed strongly to the emergence of totalitarianism, and that it provided its ideological form. It anticipated the universal nationalization of everything, and thus the nationalization of human beings. To be sure, Marx took from the Saint-Simonists the slogan that in the future there would be no government, only the administration of things; it did not occur to him, however, that one cannot administer things without employing people for that purpose, so the total administration of things means the total administration of people.

None of this means that Marx's work is not worth reading; it is a part of European culture and one should read it as one reads many classics. One should read Descartes' works on physics, but it would be silly to read them as a valid handbook of how to do physics today. Even though in the formerly Communist countries Marx and Marxist texts are now treated with repugnance, this might pass; even there they will eventually be read as remnants of the past. One of the causes of the popularity of Marxism among educated people was the fact that in its simple form it was very easy; even Sartre noticed that Marxists are lazy. Indeed, they enjoyed having one key to open all doors, one universally applicable explanation for everything, an instrument that makes it possible to master all of history and economics without actually having to study either.

Does the demise of Marxism automatically mean the end of the socialist tradition? Not necessarily. Everything, of course, depends on the meaning of the word "socialism," and those who still use it as their own profession of faith are usually reluctant to say what they mean, apart from empty generalities. And so some distinctions have to be made. The trouble is that the desire to detect "historical laws" has led many people to conceive of "capitalism" and "socialism" as global "systems," diametrically opposed to each other. But there is no comparison. Capitalism developed spontaneously and organically from the spread of commerce. Nobody planned it and it did not need an all-embracing ideology, whereas socialism was an ideological construction. Ultimately, capitalism is human nature at work—that is, man's greediness allowed to follow its course—whereas socialism is an attempt to institutionalize and enforce fraternity. It seems obvious by now that a society in which greed is the main motivation of human acts, for all of its repugnant and deplorable aspects, is incomparably better than a society based on compulsory brotherhood, whether in national or international socialism.

The idea of socialism as an "alternative society" to capitalism amounts to the idea of totalitarian serfdom; the abolition of the market and overall nationalization cannot yield any other result. The belief that one can establish perfect equality by institutional means is no less malignant. The world has known pockets of voluntary equality, practiced in some monasteries and in a handful of secular cooperatives. However, equality under compulsion inevitably requires totalitarian means, and totalitarianism implies extreme inequality, since it entails unequal access to information and power. Nor, practically speaking, is equality in the distribution of material goods possible once power is concentrated in the hands of an uncontrollable oligarchy; this is why nothing remotely close to equality has ever been in existence in socialist countries. The ideal is

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therefore self-defeating. Why the idea of all-encompassing planning is economically catastrophic we know well, and Friedrich von Hayek's criticism on this point has been amply borne out by evidence from the experience of all Communist countries without exception. Socialism in this sense means that people are prevented by repression from engaging in any socially useful activity unless on orders from the state.

However, the socialist tradition is rich and differentiated, and it includes many varieties apart from Marxism. Some socialist ideas had indeed a built-in totalitarian tendency. This applies to most of the Renaissance and Enlightenment utopias, as well as to Saint-Simon. Yet some espoused liberal values. Once socialism, which started as an innocent fantasy, became a real political movement, not all of its variants included the idea of an "alternative society," and of those that did, many did not take the idea seriously.

Everything was clearer before the First World War. Socialists and the left in general wanted not only equal, universal, and obligatory schools, social health service, progressive taxation, and religious tolerance, but also secular education, the abolition of national and racial discrimination, the equality of women, the freedom of press and assembly, the legal regulation of labor conditions, and a social insurance system. They fought against militarism and chauvinism. European socialist leaders of the period of the Second International, such people as Jaurès, Babel, Turati, Vandervelle, and Martov, embodied what was best in European political life.

But everything changed after World War I, when the word "socialism" (and to a large extent "the left") began to be almost completely monopolized by Leninist-Stalinist socialism, which skewed most of these demands and slogans to mean their opposite. At the same time, most of these "socialist" ideals were in fact realized in democratic countries operating within market economies. Alas, the nontotalitarian socialist movements suffered for decades from ideological inhibitions and lacked the courage to denounce and fight consistently against the most despotic and murderous political system in the world (apart from Nazism). Soviet communism was supposed to be a kind of socialism, after all, and it embellished itself with the internationalist and humanist phraseology inherited from the socialist tradition. Leninist tyranny thus succeeded in stealing the word "socialism," and the nontotalitarian socialists were complicit in the theft. There were some exceptions to this rule, but not many.

Be that as it may, socialist movements strongly contributed to changing the political landscape for the better. They inspired a number of social reforms without which the contemporary welfare state—which most of us take for granted—would be unthinkable. It would thus be a pity if the collapse of Communist socialism resulted in the demise of the socialist tradition as a whole and the triumph of Social Darwinism as the dominant ideology.

While acknowledging that a perfect society will never be within reach and that people will always find reasons to treat each other badly, we should not discard the concept of "social justice," much as it might have been ridiculed by Hayek and his followers. Certainly, it cannot be defined in economic terms. One cannot infer from the expression "social justice" the answer to questions about what particular taxation system is desirable and economically sound in given conditions, what social benefits are justified, or what is the best way for rich countries to aid the poorer parts of the world. "Social justice" merely expresses an attitude toward social problems. It is true that more often than not the expression "social justice" is employed by individuals or entire societies who refuse to take responsibility for their own lives. But, as the old saying goes, the abuse does not abrogate the use.

In its vagueness, "social justice" resembles the concept of human dignity. It is difficult to define what human dignity is. It is not an organ to be discovered in our body, it is not an empirical notion, but without it we would be unable to answer the simple question: What is wrong with slavery? Likewise, the concept of social justice is vague and it can be used as an ideological tool of totalitarian socialism. Yet the concept is a useful intermediary between an exhortation to charity, to almsgiving, and the concept of distributive justice; it is not the same as distributive justice because it does not necessarily imply reciprocal recognition. Nor is it simply an appeal to charity, because it implies, however imprecisely, that some claims may be deserved. The concept of social justice does not imply that there is such a thing as the common destiny of mankind in which everybody takes part, but it does suggest that the concept of humanity makes sense—not so much as a zoological category but as a moral one.

Without the market, the economy would collapse (in fact, in "real socialism" there is no economy at all, only economic policy). But it is also generally recognized that the market does not automatically solve all pressing human problems. The concept of social justice is needed to justify the belief that there is a "humanity"—and that we must look on other individuals as belonging to this collectivity, toward which we have certain moral duties.

Socialism as a social or moral philosophy was based on the ideal of human brotherhood, which can never be implemented by institutional means. There has never been, and there will never be, an institutional means of making people brothers. Fraternity under compulsion is the most malignant idea devised in mod-

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ern times; it is a perfect path to totalitarian tyranny. Socialism in this sense is tantamount to a kingdom of lies. This is not reason, however, to scrap the idea of human fraternity. If it is not something that can be effectively achieved by means of social engineering, it is useful as a statement of goals. The socialist idea is dead as the project for an "alternative society." But as a statement of solidarity with the underdogs and the oppressed, as a motivation to oppose Social Darwinism, as a light that keeps before our eyes something higher than competition and greed—for all of these reasons, socialism, the ideal not the system, still has its uses. FT

Drowned Lover

Dearest enemy, so often unkind,
my life was in your hands, until that wave
of the sea deprived you of an earthly grave,
depriving me, as well, of peace of mind.
The selfish drowning waters keep us apart,
enjoying your lovely beauty within the vast
cold sea, but as long as my broken life will last,
you'll always be alive within my heart.
And if my ragged poems can last for long
enough, your love, so spotless, will persist
forever and ever, as I, on your behalf,
will praise you always with my singing song;
as long as human memories exist,
my poems will be your missing epitaph.

Luís de Camões (1524/25-1580)
Translated from the Portuguese by William Baer

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How to Think About Globalization

M. A. Casey

Soon after the attack on the World Trade Center and the Pentagon last September, the *Economist* published an editorial examining "the roots of hatred" underlying it. Many reasons for why people might hate the United States were considered: the missile defense proposal; America's status as the biggest producer of greenhouse gases; its refusal to place its nationals within the jurisdiction of international criminal tribunals; its cuts in aid for poor countries; and its willingness to subordinate principle to national self-interest in foreign policy.

But while these actions may have caused resentment, the editors argued, they could not "plausibly have motivated one of [the September 11] suicide attackers." Similarly with American policy in the Middle East: while its approach to the Palestinians and Iraq was acknowledged as a major source of anti-American feeling in the Arab world, it should be balanced against the efforts of American administrations to bring the Israelis and Palestinians to a settlement, and its success in protecting the Muslims of Bosnia and Kosovo. American leadership in the world is not perfect, the editorial concluded, but those who do not like it "should stop and think how the world would look if the Soviet Union had won [the Cold War]." As for the reasons behind September 11, "in truth, it is difficult to find plausible explanations, . . . except in the hatred and moral confusion of those who plotted and perpetrated them."

As an explanation of what motivated Mohammed Atta and his associates, this editorial left a great deal to be desired. While clearly and unambiguously repudiating the claim that the United States had somehow brought the September 11 attacks upon itself, the *Economist*'s attempt at an alternative explanation ended where it had begun. The sources of "the envy, hatred, and moral confusion" driving the terrorist network responsible for the attacks remained a mystery. For regular readers of the magazine this should be no surprise, for the obvious sources of this envy, hatred, and moral confusion are to be found in two of the *Economist*'s major blind spots: globalization and religion. In the editorial the role of fundamentalist Islam is not even canvassed, and the possibility that globalization might be a source of resentment is dismissed as "ridiculous" at the outset. This was perhaps an unfortunate choice of words. While globalization is preemptively ruled out of the *Economist*'s explanation, the possibility that September 11 might have been motivated by resentment at America's refusal to pay its dues to the United Nations is given careful consideration.

The *Economist* would soon be given another opportunity to address the issues it had overlooked. Shortly after this editorial was published, the *New Statesman* carried a piece by the political theorist John Gray in which he put globalization squarely in the dock—and religion squarely in the witness stand. Gray argued that the collapse of communism had been seized upon by the victorious West "as a historic opportunity to launch yet another vast utopian project—a global free market. The world was to be made over in the image of Western modernity—an image deformed by a market ideology that was as far removed from any human reality as Marxism had been." Indeed, Gray continued:

> what is striking is how closely the market liberal philosophy that underpins globalization resembles Marxism. Both are essentially secular religions, in which the eschatological hopes and fantasies of Christianity are given an Enlighten-

Michael Casey *is Permanent Fellow in Sociology and Politics at the Australian session of the John Paul II Institute for Marriage and the Family and a sociologist on the staff of Archbishop George Pell of Sydney. This essay won the Acton Institute's 2001 Novak Award.*

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> ment twist. In both, history is understood as the progress of the species, powered by growing knowledge and wealth, and culminating in a universal civilization. Human beings are viewed primarily in economic terms as producers or consumers, with—at bottom—the same values and needs. Religion of the old-fashioned sort is seen as peripheral, destined soon to disappear, or to shrink into the private sphere, where it can no longer convulse politics or inflame war.

For market liberalism "there is only one way to become modern." Free markets and individualistic values are compulsory for all, and if a people's "religious beliefs or their patterns of family life make this difficult for them, too bad—that is their problem. . . . You can't make an omelette without breaking eggs."

After September 11, in Gray's view, "the entire worldview that supported the market's faith in globalization has melted down . . . [and] it cannot be reconstituted." The wealthier countries are no longer insulated from the chaos produced by the collapse of the state in Afghanistan, much of Africa, and parts of Russia, and this represents "a grievous blow to the beliefs that underpin the global market." Even the concept of modernity now appears questionable. "Is it really the case that all societies are bound, sooner or later, to converge on the same values and views of the world?" Countries must be allowed "to find their own version of modernity, or not to modernize at all." The attempt "to force life everywhere into a single mold" can only fuel conflict. We will never understand September 11, Gray concludes, until we learn to see it for what it is: "a genuine rejection of Western modernity."

A great deal of the case Gray made against globalization and market liberalism in his *New Statesman* piece restated the argument set out in his recent book, *False Dawn.* Nevertheless, the timing and the provocative nature of the article ensured it a wide audience—so much so that the *Economist* felt compelled to address Gray's claims directly in its next issue. Far from rebutting Gray, however, the evasiveness of the editorial seemed to prove his point. Describing globalization as nothing more than "the idea that people should be left free to trade with each other in peace," the editors referred to the study published in the magazine that week showing that globalization does not undermine democracy or the welfare state, is consistent with good environmental policies, and is the most effective force for reducing poverty in the Third World. But given that Gray did not dispute any of these points in his *New Statesman* article, this argument rather missed its target.

Evasiveness characterized the *Economist*'s response to Gray's substantive claims as well. Considering the question of globalization's impact on local cultures, the editorial pointed out (somewhat disingenuously) that "under a market system, economic interaction is voluntary," the implication being that if a country does not like the cultural impact of trade it can opt out. This may be true in theory, but autarchy has little appeal in practice. It is also true, as the editors went on to say, that if people all over the world are eating McDonald's and wearing Nike they are doing so through choice, not coercion. But it does not follow necessarily from this (as the editorial claims) that non-Western cultures should feel threatened by globalization only to the extent that they feel threatened by individual freedom. Globalization does not militate against religious diversity, the editors argue, but no one claims it does. Gray's point was that globalization often entails a secularist drive to push religion to the periphery, and it is this, rather than religious imperialism, that raises concern. Secularism is also the concern underlying claims that globalization leads to the homogenization of culture. The *Economist* dismisses this question by pointing to the differences between countries like the United States, Sweden, and Japan, where "globalization has been running at full power for years." But the real issue is the universalization of a certain form of instrumental rationality, and the narrow concepts of human nature and human well-being that underpin it.

The exchange between the *Economist* and John Gray over September 11 is important for several reasons, not least because of the unsatisfactory way in which it concludes. It brings together an eminent advocate and an eminent critic of globalization, but what it produces is not so much a conversation as a dialogue of the deaf. For Gray, globalization is the West's last revolutionary project in pursuit of the millennium. For the *Economist*, globalization is the pragmatic extension of proven economic and political practices around the world to improve the lot of ordinary people everywhere. In Gray's view, no one of good will and intelligence could be in favor of globalization; in the *Economist*'s view, no one could be against it. It is an argument dominated by the question of economic liberty, its rights and its limits. But it is also shadowed by another question, the dark horse of religion. Both sides have a vague idea that religion is important in some way or other, but where it fits, and the role it plays, remains unclear. September 11 has required us to be a great deal clearer about a great many things. The most important of these, without doubt, are globalization and religion.

In coming to a deeper appreciation of the relationship between globalization and religion it is helpful to start with an unbiased observer. Pope John Paul II is a natural choice for this role. His pontificate has been distinguished by a profound and thoroughgoing

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engagement with contemporary culture and the forces that form and impinge upon it, not least of all the economy. His 1991 encyclical *Centesimus Annus* brought a new dimension to Catholic social teaching, emphasizing the irreplaceable role that transcendent reference points play in ensuring the fruitfulness of freedom, not only in the life of the individual, but also in the life of society, the polity, and the economy. Without reference to the transcendent reality that constitutes human life, the open society, democracy, and the free economy risk becoming little more than different forums for an unending contest of power. "Freedom attains its full development only by accepting the truth. In a world without truth, freedom loses its foundation and man is exposed to the violence of passion and to manipulation, both open and hidden." The Pope's linkage of freedom and truth has manifold implications, including an unambiguous, if conditional, endorsement of a market economy that is "circumscribed within a strong juridical framework which places it at the service of human freedom in its totality."

Towards the end of *Centesimus Annus* the Pope briefly discusses globalization in the context of promoting justice and enabling peoples "presently excluded or marginalized to enter into the sphere of economic and human development." Achieving this will require change, both in individual lifestyles and patterns of consumption and in "the established structures of power which today govern societies." In pursuit of this end the globalization of the economy "is not to be dismissed, since it can create unusual opportunities for greater prosperity." The main challenge is to establish an appropriate framework within which globalization can operate. The Pope observes that this task is beyond the competence of any individual state, even "the most powerful on earth," and will require increased cooperation between both states and international agencies. "Much remains to be done in this area," the Pope wrote in 1991, not least to ensure that "sufficient consideration" is given in decision-making to "peoples and countries which have little weight in the international market, but which are burdened by the most acute and desperate needs."

Some commentators have taken the support John Paul II expressed for the market in *Centesimus Annus* as a break or departure from the tradition of Catholic social teaching. Certainly, some of the nineteenth-century popes were altogether more skeptical, if not actually hostile, to the forms that democracy and capitalism took in their day. John Paul II's discussion of globalization, however, locates *Centesimus Annus* clearly in the tradition of twentieth-century papal approaches to social issues. As Samuel Gregg has shown, what we now call globalization was the subject of careful papal study from its earliest stages. In the encyclical *Mater et Magistra* (1961), Pope John XXIII drew attention to "an increase in social relationships" in modern life, especially at the international level. It was not just a matter of new and different forms of associations, but of their increasingly complex interrelation. The phenomenon that John XXIII addressed was subsequently (and not very helpfully) described as "socialization," and its main focus was not economics but the broader relationship between the developed and developing worlds. But John XXIII saw the Church's responsibility towards "socialization" in the same way as John Paul II sees the Church's responsibility towards globalization. The object of concern is not so much the phenomenon itself as the form it is given and its implications, positive and negative, for human flourishing.

John Paul II himself has said this explicitly: "Globalization, a priori, is neither good nor bad. It will be what people make of it. No system is an end in itself, and it is necessary to insist that globalization, like any other system, must be at the service of the human person; it must serve solidarity and the common good." In an address to the Pontifical Academy of Social Sciences last year, the Pope observed that since the fall of communism "humanity has entered a new phase in which the market economy seems to have conquered virtually the entire world." While globalization has brought a greater interdependence of economies and societies, and works powerfully to eliminate "barriers to the movement of people, capital, and goods," it also brings "rapid changes in social systems and cultures. Many people, especially the disadvantaged, experience this as something that has been forced upon them, rather than as a process in which they can actively participate." This last sentence raises the key questions that must be asked about "what we have made" of globalization so far: Does it promote justice? Does it respect cultures? Does it work to enfranchise people? Does it serve or subvert freedom? Does it serve or subvert the truth about the human person?

In another address on this theme towards the end of last year, John Paul II emphasized that the Church "is called to discern and evaluate the cultural *novum* produced by globalization." This discernment has for its primary object the image of man that globalization proposes, the form of culture it favors, and the room it allows "for the experience of faith and the interior life." It is "the cultural and ethical features of globalization" that are of "special and greater concern to the Christian community," although any assessment of this necessarily entails its economic aspects as well. In this address, and in the earlier address to the Pontifical Academy of Social Sciences, the Pope makes it clear that to the extent that globalization operates as "a system in which freedom in the economic sector is not circumscribed by a strong

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juridical framework," its cultural and ethical impact will be decisively negative. In this situation the logic of the market becomes "the medium for a new culture." It "imposes its way of thinking and acting and stamps its scale of values upon behavior." For this reason,

> those who are subjected to it often see globalization as a destructive flood threatening the social norms which had protected them and the cultural points of reference which had given them direction in life. What is happening is that changes in technology and work relationships are moving too quickly for cultures to respond. *Social, legal, and cultural safeguards—the result of people's efforts to defend the common good—are vitally necessary if individuals and intermediary groups are to maintain their centrality.* But globalization often risks destroying these carefully built up structures by exacting the adoption of new styles of working, living, and organizing communities. (Emphasis added.)

The danger posed to intermediary groups and bodies is of particular concern. Quite aside from the role they play in the life of culture and community and in making individual and political freedom possible, any economic system that destroys intermediary groups denies itself legitimacy and undermines its own sustainability. Michael Novak argues that an international economic system genuinely concerned to liberate "the poor of the earth from the prison of poverty" must work through "institutions that rest upon, and nourish, voluntary cooperation." Such a system would "exhibit a sort of universal solidarity, married to the healthy practice of subsidiarity," with local communities playing a major role in decision-making and providing the main source of initiative and energy. The tendency to undermine intermediary bodies identified by John Paul II works directly against Novak's vision of what globalization might be, and recalls the "radical capitalistic ideology" identified in *Centesimus Annus*, "which refuses even to consider these problems . . . and which blindly entrusts their solution to the free development of market forces." It also highlights the importance of the *legal* safeguards mentioned by the Pope in his address to the Pontifical Academy of Social Sciences, and by commentators like Novak. In other words, governments and international agencies have an important role to play. The realization of what John Paul II calls in *Centesimus Annus* "*a society of free work, of enterprise, and of participation* . . . demands that the market be appropriately controlled by the forces of society and by the state with the principle of subsidiarity guiding their cooperation."

It is important to stress that John Paul II does not approach globalization as a partisan in the public debate. From the Church's perspective, globalization is something to be studied deeply so that any ethical issues arising can be discussed on the basis of objective knowledge. The Pope's concern for the impact of globalization on what are sometimes called the mediating institutions of society is not something expressed in the absence of evidence. In a paper presented to the Pontifical Academy of Social Sciences at its meeting last year, Professor Paul Dembinski argued that the erosion of intermediary bodies can be a function of the integration of international markets and the continuously expanding "width of information" made possible by information technologies. This is particularly so when it comes to the influence of financial markets on local economies and enterprises. The global information used to put a value on the assets and possible outcomes involved places these local projects "in the perspective of an artificial and illusory 'totality.'" A change in share price based on this information then forces a local operation to react to events that may not be related to its activity and over which it has no control, but on which "it has been made dependent by the integrative action of financial markets."

> Social actors, enterprises, or governments can only influence by their decisions a limited set of realities, but through the integrative power of financial markets, they are exposed and have to react to a much wider spectrum of information and realities. In this respect, one can argue that the widening scope of information taken into account by the financial markets increases the asymmetry in the feedback loop between the financial markets and the underlying elements of the real economy. For medium-sized enterprises, for smaller countries, the asymmetry between the width of global information used to assess prices of assets they represent and the effective reach or influence of the underlying economic actor is particularly strong. As a result, especially for the smaller economic players, interdependence turns into their dependence on the verdict of the financial markets.

The net result of integration in this area is "the progressive withering away of any remains of subsidiarity in the field of money and finance."

Dembinski also explains how a global market operating without the benefit of an adequate framework of juridical and social controls "imposes its way of thinking and acting" on cultures and "stamps its scale of values" upon individual behavior. The consequentialist and utilitarian form of "rational behavior" that is appropriate to decision-making in the purely economic realm can be confined to that realm only if economic life is

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considered one part of life among many. The more important the economy becomes in the life of a community, the more difficult it will be to prevent self-interested modes of thinking from penetrating other spheres of life. The importance of the market economy today arises from its immense capacity to generate wealth, but before this became generally apparent the economy acquired its importance from the role it played in stabilizing social life. Dembinski argues that one of the major concerns of eighteenth-century political philosophy was how to check or harmonize human passions so that social stability could be more permanently established. Adam Smith provided the breakthrough with his identification of self-interest and the desire to better one's condition as the source of both prosperity and domestic peace. Giving people the freedom and scope to get on is obviously a much easier thing to bring about than the management of the passions, and this brilliant solution to the problem of social stability was one of the main reasons for the enormous success of *The Wealth of Nations* (1776).

Of course, Smith was a moral philosopher and he saw self-interest, operating under conditions of honesty and fair-dealing, as (in the words of Gertrude Himmelfarb) "a moral principle conducive to the general interest." He had no desire to establish the economy as a realm completely autonomous from politics, religion, and society. That this tendency has emerged is partly the consequence of unforeseeable and unconnected developments such as the decline of faith, and partly the consequence of the enormous success of Smith's ideas and others in transforming economic practice and securing social stability. On the one hand, the erosion of religious belief in the West and the rise of materialist and utilitarian philosophies made the extension of "economic" modes of thinking to the rest of life almost irresistible. On the other hand, the desire to replicate Western economic success created an openness to these modes of thinking in other cultures which, quickly extending beyond the economic, came to serve as vehicles not so much for Westernization (as is often alleged), but for secularism.

In the West these ways of thinking coalesce with a consumerist mentality that constantly redefines the concept of a "decent" or "normal" life upward, requiring, in Dembinski's words, "an ever-higher level of income" to maintain, with adverse effects on "the way [people] share their time between for-market and not-for-market activities." As Pierre Manent has put it, "Profit, not religion, is the spirit of this spiritless world where one must overwork in order to live." The Pope is thus right to point out that, in other cultures, there is the impression that "a new scale of values" is being imposed, "derived from criteria that are regularly arbitrary, materialistic, consumerist, and opposed to any kind of openness to the transcendent." People feel that they are being trampled by "faceless mechanisms" and losing their sense of identity and dignity, while their culture is "not accepted and respected in [its] originality and richness."

Globalization "will be what people make of it." In considering what we have made of globalization so far and what it might be, its impact on culture and society looms large. It might almost be said that this question has taken precedence over the question of its economic impact. This may be due to the fact that, as John Lloyd points out, it is hard "to disprove the claim that the free trading system is, by and large, good for rich *and* poor, and that the more open a poor state the more likely it is to grow rich." John Paul II's approach to globalization seems to reflect this. The questions he suggests we should ask—"What is the image of man that globalization proposes? What culture does it favor? Is there room for the experience of faith and the interior life?"—actually take us beyond globalization to what some describe as the problem of religion in the modern world. And the real question this "problem" poses is whether there can be any genuine solution to the challenges confronting globalization *without* religion.

In calling for globalization to "respect the diversity of cultures," John Paul II is calling for respect for freedom. Globalization "must not deprive the poor of what remains most precious to them, including their religious beliefs and practices, since genuine religious convictions are the clearest manifestation of human freedom." There are many who would dispute this view and contend that religious convictions are in fact a major impediment to the extension and preservation of freedom. Michael Lind argued last year that it is not Christianity and Islam that are at war in the struggle against terrorism, but "humanist civilization" and religious civilization. The Judeo-Christian tradition has contributed *nothing* to the development of a free, "tolerant, individualist, commercial society" in the West, Lind claims. Christianity "has always had far less in common with humanist civilization than with orthodox Islam." The hostility of Christianity and Islam to reason is seen clearly in their opposition to "feminism, gay rights, abortion, contraception, and freedom from censorship," it being well known that there can be no rational basis for querying these things. "Far from being the source of humanist civilization . . . Christianity in its traditional forms is incompatible with a liberal, democratic, secular society that has an economy based on applied science and commercial exchange."

Andrew Sullivan has written that one of the good things to come out of September 11 is that the influence of "theoconservatives" such as Michael Novak, Father

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Richard John Neuhaus (whom Lind accuses of "openly flirt[ing] with sedition" in the "End of Democracy?" symposium in FT, November 1996), and Marvin Olasky on the Bush Administration will now decline. After all, "it is hard to fight a war against politico-religious extremism if you are winking at milder versions in your own political coalition." Apparently, the argument that a free society needs transcendent reference points is tantamount to arguing for "a total fusion of religion and politics" in pursuit of "a theocratic order."

John Paul II addressed this line of reasoning directly in *Centesimus Annus*. "If there is no transcendent truth, in obedience to which man achieves his full identity, then there is no sure principle for guaranteeing just relations between people." The Church realizes "the danger of fanaticism or fundamentalism," in which people "claim the right" to impose on others their own concept of what is true "in the name of an ideology which purports to be scientific or religious." But "*Christian truth* is not of this kind. Since it is not an ideology, the Christian faith does not presume to imprison changing sociopolitical realities in a rigid schema, and it recognizes that human life is realized in history in conditions that are diverse and imperfect."

It is not new, but as George Weigel has noted, the project of "making the United States a country in which religiously grounded values and arguments have no place in public life . . . continues to this day." The Catholic Church is seen "as the largest institutional obstacle" to the realization of this goal, and despite the fact that over the last thirty years it has been "the world's foremost institutional promoter of the democratic project" (in Central-Eastern Europe, the Philippines, and throughout Latin America), the charge is still made that the Church is irremediably antidemocratic. But as Weigel points out, the charge that Catholicism is "unsafe" for democracy is a stalking-horse for another argument altogether, the argument over what democracy should be. It is not an argument that America is having alone. Fr. Anthony Fisher, O.P., Australia's leading Catholic bioethicist, recently described attending a major conference on artificial reproductive technologies in Melbourne. One of the papers given argued strongly that governments and regulators should refuse to receive submissions from groups like the Catholic Church, "because it is not directly affected and in no special position to represent children or morality." After all, it was argued, "democracy has nothing to do with morality; it is about respecting individual choice."

But according to John Paul II, such a view is incompatible with genuine democracy. The assumption "that agnosticism and skeptical relativism are the philosophy and the basic attitude that correspond to democratic forms of political life," and that "those who are convinced that they know the truth and firmly adhere to it" are "unreliable" since "they do not accept that truth is determined by the majority," opens the way for "ideas and convictions to be manipulated for reasons of power" or—as shown by the way transgressive developments in biotechnology are driven—financial gain. "A democracy without values easily turns into open or thinly disguised totalitarianism," and unless values "are grounded in the very nature of the human person" they will serve merely as "the justification or legitimation of a system," rather than as "the safeguard of all that is human in any system." Democracy is not just a set of institutional arrangements that once in place will run themselves. In Weigel's words, "Democracy is a way of public life, a way of being a political community," and if it is going to work it requires a critical mass of people "who have made their own the values, the moral truths, that teach us to be civil, tolerant, respectful—in a word, democratic." Institutions by themselves are not enough, and a democracy that excludes "any consideration of binding moral norms as a horizon for its public life, on the grounds that moral truth [is] either illusory or sectarian," places itself in a situation where issues can be resolved only by resort to force, exercised through the capture and control of those institutions. As Leszek Kolakowski has pointed out, without truth, the freedom of democracy becomes a realm where anything is possible. This is not a triumph for the human spirit, but a profound defeat.

Freedom's need for truth is not something that is purely Western-specific. Arising as it does from the fundamental truth about human life and culture, it is true for human life and culture everywhere. How then might the argument for faith's role in supporting and sustaining authentic democracy in the West translate to other cultures and other situations? In particular, how does it translate to the world of Islam? Merely to ask this question in the aftermath of September 11 is to highlight just how easy it is to make the secularist argument that religion is inimical to the growth of freedom's dominion, that the secularizing tendency of globalization is a force for human liberation, and that freedom can never be secure in a culture where religious faith is the primary passion in people's lives. But going in this direction leads only to a dead-end. As we have seen, there is a very real danger that globalization will serve as the means for replicating throughout the world the sorts of problems that the regime of freedom-without-truth has created in the culture of the West. How Islam might respond creatively to this danger, without turning in on itself and against the rest of the world, is not something that is immediately apparent.

On the face of it, the relationship between democracy and Islam seems troubled at best. Freedom House's annual survey of freedom for 1999-2000 found that of the forty-seven Muslim countries in the world,

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fewer than one-quarter are electoral democracies, compared with more than three-quarters of the 147 non-Muslim countries. Muslim states make up seven of the ten countries listed as the least free countries in the world, and they do not compare well at other points along the scale. Of non-Muslim countries, the Freedom House survey rated 58 percent as free (that is, fully democratic), 14 percent as not-free (that is, strict dictatorships of one form or another), and the remaining 28 percent as partly free. Of the forty-seven Muslim countries, however, only one, Mali, was rated free; of the others, 38 percent were rated partly free, and 60 percent were rated not-free. What these figures make clear, as Joshua Muravchik has pointed out, is that Muslim countries account for a majority of the unfree states in the world. Muravchik argues that this is not a function of poverty—the African countries in the survey have an annual per capita income about half that of the average for Muslim states but considerably better freedom ratings. Nor is it a function of religion in itself—from past Freedom House surveys it can be seen that Muslim states had much better freedom ratings twenty years ago. We should also recall how it used to be said that Confucian values in Asia and Catholicism in Latin America meant that democracy would never develop in those regions.

Muravchik notes that it is in the Middle East that things are bleakest for democracy in Muslim countries. His explanation puts a heavy emphasis on the rise of Islamic extremists and the cycle of violence and repression this has generated as the secular regimes that have been in place since postcolonial times seek to ensure continuation of their own power. But this account leaves the rise of Islamic extremism unexplained and sheds no light at all on the broader question of Islamic culture and its openness to freedom. Radical Islam shares with the socialism, secularism, and pan-Arab nationalism that preceded it during the 1950s and 1960s a desire to restore the prestige and power of Muslim countries in response to the ascendancy of the West. The secularist modernizers attempted to revive Muslim greatness by adopting Western ideas and technical innovations to overcome the legacy of corruption, incompetence, and failure bequeathed by the Ottoman empire. Islamism also seeks to revive Muslim greatness and to overcome a legacy of corruption, incompetence, and failure, but its preferred means is the restoration of an ahistorical "pure" Islam and the transformation of the nation into a faithful community of believers.

While both approaches were driven by a desire to assert Muslim independence and manifested themselves as movements of defiance and resistance against the West, both were decisively shaped by Western influences. It will be obvious how this was so for the secularist modernizers. Secularism, socialism, and nationalism were not ideas that occurred naturally in the Muslim world. While secularism was part of the repudiation of a failed religious culture, nationalism and socialism appealed in no small part because of their antidemocratic and anticapitalist animus, as Bernard Lewis has convincingly shown. Mixed in with this was the conceit that despite their weakness, even secular Muslim states represented a more "spiritual" and more authentic "civilization" than the soulless consumerist world of the imperialist West.

Radical Islam's relation to Western influences is considerably more convoluted. Islamic extremism as we encounter it today can be traced back to the Muslim Brotherhood, founded in Egypt by Hasan al-Banna in 1928. In the period after the Second World War, the Muslim Brotherhood became increasingly radicalized, and after falling out with the Nasser regime it internationalized with the assistance of Saudi Arabia. One of its most important figures was Sayyid Qutb (1906-66). Malise Ruthven describes Qutb as "the intellectual mentor of modern Islamism," and his influence on Islamic radicalism cannot be overestimated. In the words of Frédéric Volpi, "Since Qutb, it has been one of the central tenets of Islamic fundamentalism that politics does not involve merely the confrontation of competing political organizations, but also of entire philosophical systems." Despite this, Qutb drew heavily on Western ideas in the formation of his own philosophy, in particular Henri Bergson's "vitalist" approach to culture and existentialist ideas of "action-oriented commitment."

The first radical group to emerge in Egypt after Qutb's execution by the regime took this last point a step further, drawing its inspiration not solely from "Islamic ideas" but also from the Baader-Meinhof gang's concept of the "propaganda of the deed." Ayatollah Sayyid Ruhallah Khomeini, who was radicalized by Shah Mohammed Reza Pahlavi's attempts to break up the huge land-ownings that helped sustain the power of the Shi'a religious establishment in Iran, was also deeply influenced by Western ideas, especially those of Sartre and—not least of all—Marx. Far from being exclusively Islamic, the ideologies of Muslim radicals are hybrids that reflect a perverse form of engagement with both modernity and the West. That this particular form of engagement is so fruitless is doubtless partly attributable to the fact that the sources drawn on lock those using them into the political and philosophical discourse of the West in the 1930s and 1960s.

To some extent, the disaffection to which radical Islam gives expression is similar to that which has fed into extremist political groups in the West. Urbanization has proceeded rapidly in Muslim countries, and for those whose character and outlook have been formed in the traditional faith of the rural hinterland the con-

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frontation with the chaotic and pagan world of big cities, either at home or abroad, can be profoundly dislocating. Education and economic developments have made it harder to maintain the traditional extended family structure and are changing the roles that women are allowed to play. The encounter with the new worlds of cinema, satellite television, and information technology, and through them with Western-style consumerism, also plays a part. For some, this change is experienced not as a liberation but as an attack on culture, tradition, and religious observance. It is also experienced as a humiliation. The Westernizing trend of these changes and the preeminence of the West over the Muslim world are clear to all who can see.

For Muslims, however, the world divides into two realms, the realm of believers (*dar al-islam*—the house of Islam) and the realm of unbelievers (*dar al-harb*—the house of unbelief, or war). While it is "proper and natural" for believers to rule unbelievers, it is "blasphemous and unnatural" for unbelievers to dominate believers. According to Bernard Lewis, many Muslims believe that having to accept this situation "leads to the corruption of religion and morality in society, and the flouting and even the abrogation of God's law." The "corruption of religion and morality" through the invasion of foreign ideas and ways of life has been apparent for some time, but more recently its effects have begun to be felt in the most private realm of the family, where "emancipated women and rebellious children" now threaten the believer's mastery in his own house. At the same time, however, anger and resentment at the impact of the West coexists with a strong sense of the attractiveness of the Western way of life and of the appeal (for some) that a free society has as an alternative, in the words of Anatol Lieven, to "the multiple failures of development and progress within the Muslim world."

Complicated and important as the question of radical Islam is, the crucial question both now and longer term concerns the openness of Islamic culture to freedom. Lewis has commented that the emergence of Osama bin Laden and the Taliban provides "a new and vivid insight into the eclipse of what was once the greatest, most advanced, and most open civilization in human history." To the Western observer it is "precisely the lack of freedom" that "underlies so many of the troubles of the Muslim world." Freedom in the Islamic world generally refers to national independence or to the freedom of the community of believers to maintain religious observance, rather than the freedom of the individual. Ali Belhadj, one of the leaders of the Algerian Islamic Salvation Front (FIS), claims that the object of the West is "to weaken the Muslims' resolve to do good and reject evil under the pretense that individuals are free in choosing their acts." For Belhadj, at least, Islam entails a different concept of human nature from the one common to the West which sees individuals as free agents.

The word "Islam" means submission or obedience, and in its expansionist phase Islam was certainly spread through compelling the submission of conquered peoples rather than through persuasion or conversion. The main requirement of the believer is to "obey God's commands and use [his] intelligence in discerning truth from falsehood." He will be held responsible for how well he has done this on the day of judgment, and responsibility implies freedom to act. But this responsibility is not the personal responsibility that arises from living out one's faith according to the lights of conscience; and the freedom of action it implies is not the freedom of choice that Westerners assume goes with it. It is the freedom to submit or surrender to God's sovereignty, as measured primarily against the external requirements of the five pillars.*

But Islam is about more than outward forms of observance. For example, while *jihad* is typically understood in the West to mean holy war, the first meaning of the word is "exertion" or "struggle," and Malise Ruthven points out that, as traditionally formulated, "the believer may undertake *jihad* by his heart, his tongue, his hands, and by the sword—the most important of these being the first." The emphasis on interior struggle is sometimes referred to as "the greater *jihad*," and it was the path adopted by Sufism, Islam's mystical offshoot, which directed some of Islam's energies towards inwardness. This deepening of religious experience, however, was not undertaken in opposition to outward observance but as a means of perfecting that observance and maintaining it even more strictly. And while its focus was on individual religious experience, it did not seek or work to displace the corporate foundation—family, tribe, *dar al-islam*—of the believer's identity.

It is quite a different situation with Christianity. While the Koran also speaks of God's love, the overriding emphasis given to the demands of that love in the Gospels leads in another direction altogether. Christ's answer to the lawyer's question about the greatest commandment—"You shall love the Lord your God with *all your heart and all your soul and all your mind.* This is the greatest and first commandment. And the second is like it. You shall love your neighbor as yourself. *On these two commandments depend all the law and the prophets*" (Matthew 22:36-40)—makes this direction abundantly

* The five pillars are the *shahada*, the declaration of faith according to the formula, "There is no God but God, and Muhammad is the Messenger of God"; *salat* (worship or prayer); *zakat* (alms-giving); *sawm* (the fast during Ramadan); *hajj* (pilgrimage to Mecca).

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clear. The life of faith is first and foremost the inner life, and the deepening and cultivation of that life is enjoined both as the means of living out the law and of *sustaining* it as a law of love. The concepts of responsibility, freedom, and the human person implicit in this are radically different from those at work in Islam, and without them, as Kenneth Minogue has pointed out, the individuality and individualism that we take for granted in the West would never have emerged.

Many significant consequences flow from the differences between Christianity and Islam for the development of democracy and a free society. In one sense, Islam *is* individualistic. As there is no church in Islam, the believer's relationship with God and His commands is direct and unmediated. But the consequence of this is to leave the individual exposed to greater domination. As Ruthven argues, "the lack of any central institution in Islam impeded the emergence of its counterweight in the shape of the secular state. The [Islamic] law developed separately from the agencies entrusted with its enforcement, and so military-tribal rule became the norm. The state was thus something which sat on top of society, not something which was rooted in it."

A related issue is that Islamic law (Shari'a) only takes cognizance of individuals. The Shari'a does not possess a concept of juridical personality for corporate entities, and the public domain is treated as "simply the sum of its private components." In contrast, the medieval Church in Europe generated a great range of mediating institutions within and outside itself, and canon law recognized these as legal persons from the beginning. It also provided a bureaucracy for resolving disputes and the institutional permanence necessary for sustained development. In this way it not only laid the foundations for what would one day become the democratic polity of the West but also prepared the way for the development of capitalism.

The absence of institutional boundaries and legal recognition for intermediary groups in Islam has meant that even today it is struggling to develop a legitimate public realm in which economic and political freedom might develop. This is compounded by the fundamental role the family plays in Islamic culture. The family is the only corporate entity the Shari'a recognizes. It occupies a privileged position in the law and is accorded a degree of real independence. But when combined with the lack of a clear delineation of public and private and the problematic position of the state in relation to society, the consequence is to make government and institutions unusually vulnerable to capture and corruption by powerful extended family networks.

The profound impact that Islam has had on forming the culture, character, and society of the countries it dominates, and particularly in the Middle East, represents a critical obstacle to globalization. It also represents an important challenge. Globalization is not going to go away (at least in the foreseeable future), and although it is a powerful force in the world, it is not irresistible—as the history of the first half of the twentieth century shows. Islam is not going to go away either, nor will it be relegated to the status of a private lifestyle choice. It is possible to find a way forward on these terms, although doing so will require a radical reexamination of secular presuppositions about what is assumed to be the exclusively negative role that religion plays in political life. John Paul II's reflections on this question are a good place to start, and the interaction between the West and Islam is a good place to try applying them. In doing this, we might just discover that far from being a critical obstacle, religion is in fact the critical ingredient in making freedom around the world possible.

The problem with globalization as it currently operates is its tendency to foster secularization among peoples and cultures that are not secular and do not want to be secular. The impression for local people is as John Paul II has described it: the sweeping away of the social norms and "the cultural points of reference which had given [people] direction in life," and the imposition of a new scale of values "derived from criteria that are regularly arbitrary, materialistic, consumerist, and opposed to any kind of openness to the transcendent." These consequences of globalization should not be dismissed blithely as the price that must be paid for the promise of a wealthier country. It goes without saying that globalization makes change unavoidable, but if it is to be a positive force and to make a positive contribution to the spread of political and economic freedom it must work in a way that respects and does not undermine the most important points of reference for local people.

On the West's part, this will mean abandoning the illusion that there is only one way of being modern, one way of being democratic, and one way of building and managing a free economy. In Kenneth Minogue's words, democracy emerged in the West "out of an organic development" of customs and institutions lasting centuries, which today helps sustain it "at a profound level." As Michael Novak points out, this is not "a purely rational, abstract, conceptual achievement," but the product of "many generations of social experimentation." This will also be true for Muslim countries. We tend to forget that the openness of democratic development means that it can move in various directions and take various forms. This is one reason why it is so important to observe and study the experiment with democracy currently underway in the Islamic republic of Iran. Although by no means perfect, it should not be considered unworthy of attention merely because it is not an experiment with *secular* democracy.

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For its part, Islam will have to rediscover some of the intellectual suppleness that produced the scientific and cultural greatness of the period that fell between the ninth and fifteenth centuries. The concept of democracy as it is understood in the West is problematic for Islam, in part because it is associated with Western domination, and in part because the underlying principle of the sovereignty of the people makes it irreconcilable with the sovereignty of God. What is required is the development of a concept of the person which accepts that, along with attributes such as love and reason, freedom is part of what constitutes human nature—and that this gives rise to a legitimate autonomy under the supremacy of the truth. Clearly, this is a very long-term project, since Islam tends to see freedom as something external and conditional on the sovereignty of God, rather than as something interior and constitutive of human being. Law and morality are seen in a similar way, as external precepts imposed by the will of God, rather than as formulations of the practical knowing of the good "written on the heart" that serves as the basis of the Christian concept of conscience.

Engaging in a genuine conversation with Islam on these issues and along these lines would also assist in furthering the concept of human rights. As long as human rights continue to be seen as advancing the interests of sovereign individuals *against* the claims of family, community, and faith, they will continue to be rejected in the Islamic world as a Western device for introducing a socially corrosive individualism. Secular attempts to respond to this by basing the universality of human rights on some lowest common denominator, such as the desire to avoid pain and humiliation, do not help because they deliberately avoid the underlying philosophical questions about human nature and the conditions of human flourishing. For both parties, an encounter with the personalism of John Paul II might open new possibilities for mutual understanding and common ground.

The engagement between globalization and Islam requires positive responses on both sides. Encouraging greater sensitivity on the part of the media towards cultural values overseas is one example of the practical and immediate measures that might be considered on the part of the West. Electronic media and the international advertising industry exercise a powerful impact on local cultures, and sensitivity to Islamic values in the depiction of women and in normalizing relationships and modes of behavior that Muslims consider aberrant would be an important step forward.

A priority for Islamic countries, in turn, if only to address the problem of corruption, is to encourage the development of clear boundaries between the public and private domains. Some Muslims claim that the Shari'a is immutable, but even so it has always been supplemented by customary and state law, and this continues to be the case to varying degrees today, even in the six Muslim countries which have declared themselves Islamic states. There is scope, therefore, for the development of a concept of juridical personality for corporate bodies that would assist mightily in delineating a legitimate public realm and in encouraging both political and economic freedom. The development of effective and efficient government and nongovernment welfare agencies would also help in countering the appeal of radical Islamic groups, whose extensive welfare organizations play a significant part in generating and maintaining support for Islamism among the poor and displaced in the cities.

Many more suggestions could be added to these, but underlying most of them is the need for an intellectual shift on the part of the West so that religion is seen no longer as a stumbling block for freedom, but rather as its cornerstone. Muslims are human beings and freedom is part of their nature, whatever the constraints that history and culture may have placed upon it. Democracy can develop in the Islamic world, just as it developed successfully in some very unlikely places in the last thirty years of the twentieth century. It may not develop soon; it may not develop quickly; and almost certainly it will not develop in our own image. Keeping this possibility open is one of the goods that globalization should serve. The wrong sort of globalization, however, could close it off for generations. The outcome depends on the willingness of the West and of international agencies to reconsider the values and assumptions that drive globalization, and the sort of culture it favors as a consequence. The acid test will be the capacity of globalization to take religion seriously. The faith at the center of people's lives in non-Western cultures has to be respected and engaged so that the extension of freedom and prosperity that globalization seeks can be realized through genuine participation.

The real question is whether the West can overcome its secularist bias to achieve this. Leaving room at the center of the culture "for the experience of faith and the interior life" does not mean pandering to theocracy. Truth and freedom is not an either/or proposition. Democracy needs to rediscover this, and globalization needs to learn it. For the fatal conceit is not that freedom can succeed against religion, but that it can do so without it. FT

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Books In Review

The Abolition of Man?

Our Posthuman Future: Consequences of the Biotechnological Revolution. By Francis Fukuyama. *Farrar, Straus & Giroux. 272 pp. $25.*

***Reviewed by* Marc D. Guerra**

As Mustapha Mond put it in Aldous Huxley's *Brave New World*, whether human nature is fixed or fundamentally changeable makes "all the difference in the world." Those who believe that human nature is unchanging generally also believe that human beings receive their distinctive form from either nature or God. While they may disagree greatly over its origins, a belief in the constancy of human nature is common to both Christianity and classical thought. Both teach that it is our sempiternal nature that allows for man's peculiar greatness and misery. Conversely, those who think that human nature is open to change typically believe that there are no genuinely *natural* human qualities and characteristics. What we call "human nature" is in fact a comforting, unscientific conceit of human pride. So-called human nature is in reality essentially plastic, historically molded and remolded by a long series of accidents in an evolutionary process.

But in our time, advances in biotechnology have added another possible means of altering the character of human life. Far from being dependent on evolutionary accident, human nature can now be brought under the control of the human will. As Mustapha Mond proudly declares at the end of Huxley's dystopia, there is no longer "any need for civilized man to bear anything that's seriously unpleasant." The implications of this view are both breathtaking and frightening. Future advances in biotechnology hold out the hope of improving the human condition; yet, at the same time, they raise the possibility of transforming what it has heretofore meant to be a human being.

Francis Fukuyama, professor of political economy at Johns Hopkins University and member of the President's Council on Bioethics, realizes the precarious position in which we currently find ourselves. As Fukuyama states in the first chapter of *Our Posthuman Future*, "The most significant threat posed by contemporary biotechnology is the possibility that it will alter human nature and thereby move us into a 'posthuman' stage of history." Fukuyama is best known as the author of the widely read and even more widely debated 1989 essay "The End of History?" In that essay, Fukuyama used a sweeping and rather idiosyncratic Hegelio-Marxist analysis to argue that the remarkable collapse of the Soviet Union signaled that History in the strong sense of that term had at last come to an end. The West's victory in the Cold War marked the last stage in human historical development, proving once and for all that liberal capitalist democracy fulfills mankind's natural desire for "recognition" better than any other political order.

But in *Our Posthuman Future*, Fukuyama rather reluctantly concedes that History may not be over after all. If, for example, biotechnology can use germ-line therapy to successfully alter the physical make-up of the human body and brain, then, he argues, History will once again be set in motion. Fukuyama's interest in this question is by no means narrowly academic. On the contrary, his concerns are emphatically moral and political. As he makes painfully clear, what neither the scientists nor many of our elected leaders presently understand is that human nature is what "shapes and constrains . . . the nature of politics" and thus that the biotechnological transformation of human beings could have "malign consequences for liberal democracy."

To overlook the formative impact human nature has on politics is to fail to appreciate the truth that liberal democracies such as the United States are based on the unalterable—that is, natural—equality and freedom of each human being. In his erudite and thought-provoking book, Fukuyama thus undertakes an important and timely task: to show that research in biotechnology should be brought under moral and political control precisely because science exists for the benefit of human beings and not vice versa. His book is a powerful antidote to the fatalism about scientific "progress" that too often dominates contemporary discussions about the biotechnological project.

Fukuyama begins his book with an informative overview of the current state of the biotechnological revolution, sketching the recent advances in neurological science, neuropharmacology's latest efforts to manipulate and control the emotions and human behavior, the attempt to radically prolong the natural lifespan of human beings (an effort Leon Kass has perceptively dubbed "the immortality project"; see FT, May 2001), and the prospects for genetic engineering. Fukuyama is clearly no Luddite; he is too much a partisan of human well-being to dismiss all biotechnological advancements as either bad or undesirable. But unlike those seduced by promises of endless benefits, he knows that each biotechnological advancement raises difficult and serious questions that must be directly confronted.

Take, for example, Serotoninreuptake pharmaceuticals such as Zoloft

Marc D. Guerra *is Assistant Professor of Theology at Assumption College in Worcester, Massachusetts, and the editor of* Reason, Revolution, and Human Affairs: Selected Writings of James V. Schall *(2001).*

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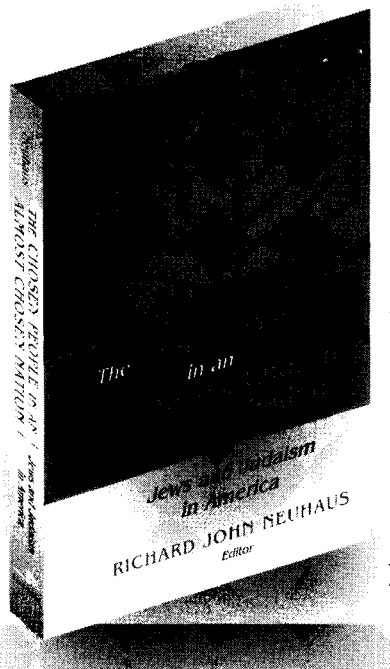
and Prozac that are now routinely used to treat people who suffer from clinical depression. Early precursors to future neuropharmaceuticals that will be designed to match an individual's particular genome, these drugs have helped many people lead what appear to be happier lives. But is having a relatively low level of serotonin really a pathological condition that needs to be chemically treated? Or is it instead that serotonin levels, like so many other biological features, naturally differ from person to person? This is but one of many instances in which biotechnologies blur the line between medical therapy and technological manipulation and enhancement of mankind.

Genetic engineering is an area of research in which Fukuyama rightly thinks biotechnology leaps over that line. Although presently beyond our scientific capabilities, in the future we very well may be able to alter the human germ-line itself. Such manipulation of the human genome would allow for new genes to be inserted directly into the fertilized egg, resulting in permanent genetic changes that would then be passed down from generation to generation. Such a procedure could be used for a variety of purposes, from repairing identifiable genetic defects such as deafness to increasing physical strength to elevating IQ. This is the path that Fukuyama sees as leading straight to a posthuman future. An alteration in the genetic make-up of human beings would undoubtedly cause a rupture in our commonly shared human nature and the world it has helped create. Such alterations in the genetic structure of individual human beings could very well bring about a world where there could be, at least in principle, a variety of posthuman species.

In the last part of his book, Fukuyama argues that in order to prevent biotechnology from changing the very face of humanity democratic societies must establish a regulatory legislative framework "to separate legitimate and illegitimate uses" of biotechnology. The actions of such a regulatory schema would range from banning certain biotechnologies such as human cloning and genetic engineering to regulating the application of others. And in Fukuyama's view, the time to act is now, before the biotech genie escapes the bottle completely. Fukuyama has little faith in the libertarian claim that the free market can or even should be allowed to decide the fate of biotechnology. The all-too-real potential for biotechnology to be abused by individuals



The Chosen People in an Almost Chosen Nation

Jews and Judaism in America

EDITED BY RICHARD JOHN NEUHAUS

Culled from the pages of the journal *First Things*, the essays and commentaries gathered here take up the broad array of viewpoints, questions, and disputes that comprise the story of Judaism in America. Philosophy, law, psychology, history, anti-Semitism, proselytism, intermarriage, public policy, the State of Israel, and whether Christians can be trusted — these and other subjects are addressed in lively, diverse, and frequently provocative ways.

CONTRIBUTORS

Elliot Abrams, Hadley Arkes, Matthew Berke, Midge Decter, Marc Gellman, Milton Himmelfarb, Clifford E. Librach, Stephen Miller, Alan L. Mittleman, Richard John Neuhaus, David Novak, Jakob J. Petuchowski, Isaac C. Rottenberg, Jonathan D. Sarna, Edward S. Shapiro, David Singer, Marc D. Stern, Aaron Wildavsky, Ruth R. Wisse, and Nicholas Wolfson.

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and states, not to mention the potentially dangerous effects of such abuse, belies the moral naiveté of the libertarian position. Anticipating the objections of those scientific purists who would claim that the integrity of science demands that it should be allowed to chart its own course, Fukuyama notes that democratic societies already place scientific research under political control. Democracies regulate what scientists can and cannot do in matters such as the development and use of nuclear power and biochemistry, because they realize that "science by itself cannot establish the ends to which it is put." Establishing these ends through prudent political oversight, Fukuyama argues, is one of the duties of a self-governing people.

But one has to wonder if this kind of argument can finally win the day. While many, indeed most, democratic governments do regulate the use of nuclear and biochemical technologies, the objections to their regulation are considerably weaker than those typically launched by those who wish to use biotechnologies to cure diseases and ease human suffering. It is much easier to explain why we should not use technologies to create life-threatening chemical weapons than it is to explain why we should not use germ-line therapy to raise low IQs. In a world that increasingly views the compassionate alleviation of suffering as *the* moral imperative, a stronger case has to be made as to why we should not use all the forms of biotechnology at our disposal.

Fukuyama attempts to build such a case in the central section of his book, where he discusses human rights, human nature, and human dignity. Yet he also worries that many readers may find this part of his book "too philosophical," and even goes so far as to state that "those not inclined to more theoretical discussions of politics may choose to skip over some of the chapters here." But surely this is inadequate. Faced with the prospect of a postmodern future, can citizens and statesmen within a liberal democracy really afford "to skip over" such discussions? Fukuyama's apparent willingness to subordinate the philosophical issues raised by advances in biotechnology weakens the force of his warnings about the implications of those advances.

Despite this shortcoming, Fukuyama has some fine things to say about the importance of letting what we already know about human nature and human dignity guide our thinking about biotechnology. Combining his "end of History" analysis with the sociobiological account of behavior that he sketched in his last book, *The Great Disruption*, Fukuyama argues that real "political freedom . . . [means] the freedom to pursue those ends that our nature has established." Moreover, as the best scientific and philosophical arguments show, while human nature is to some extent "plastic . . . it is not infinitely malleable." This is in fact *the* reason why human nature "shapes and constrains" the scope of political life. And while Fukuyama remains somewhat skeptical of religious claims about the nature of human beings, he believes that Catholic anthropology more or less articulates the true dignity of man. Citing John Paul II's 1996 "Message to the Pontifical Academy of Sciences," Fukuyama affirms the truth of Catholicism's claim that at some point there was an "ontological leap . . . in the evolutionary process." Fukuyama claims that it was this leap that produced what is distinctively dignified in human beings—and that it is precisely this distinctiveness that is jeopardized by the biotech project.

Yet for all the truth in this view, there is something fundamentally incoherent about Fukuyama's defense of human nature, rights, and dignity. Fukuyama uses reductionist sociobiology to describe human behavior and yet also insists that human beings are ontologically different from other creatures. *Our Posthuman Future* thus in some ways suffers from the same basic flaw as *The Great Disruption*, which relied heavily on sociobiological theories. In both works, Fukuyama tries to construct an account of

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human life and human sociality by cobbling together a premodern account of the transcendent ends of human beings and a thoroughly modern account of the reductionist origins of human behavior.

What gets lost in all this is a sense of just what is genuinely at stake in the biotechnological revolution. Gilbert Meilaender has asked whether a world designed by people willing to embrace such biotechnologies as genetic engineering would be a place in which the genetically engineered would want to live. Meilaender's question has the virtue of making us think not only about what the results of the radical biotech project will do to future generations, but also about what our participation in it will do to us. Perhaps the greatest reason for not willing a "posthuman" future—whether or not such a future is even possible—is not that we risk corrupting the dignity of some distant future generation but rather that we risk violating the dignity of our own nature here and now. The true "abolition of man," we must remember, is not something we do to others, but, perversely if unknowingly, something we do to ourselves.

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Lincoln's Prudence

LINCOLN'S VIRTUES: AN ETHICAL BIOGRAPHY. By WILLIAM LEE MILLER. *Knopf. 515 pp. $30.*

***Reviewed by* Allen C. Guelzo**

WHILE DESCRIBING the Rawlsian-liberal idea of "the unencumbered self" and "the procedural republic" in *Democracy's Discontents* (1994), political theorist Michael Sandel highlighted two individuals who represent the pro and con of those terms. They are Stephen A. Douglas, appearing for the unencumbered proceduralists, and Abraham Lincoln, cast in the role of a moralist who insisted on grounding his understanding of liberal politics in natural law.

This was not necessarily a new picture of either Douglas or Lincoln. (Harry Jaffa made the same argument in Straussian terms in *The Crisis of the House Divided* [1958]). But in Lincoln's case, it was a description that failed to exercise much influence on such biographers as Stephen Oates and David Donald, both of whom were more concerned with Lincoln the politician than with Lincoln the moralist. Moreover, by portraying Lincoln as a moral thinker, Sandel managed to issue a stinging indictment of the failures of American liberalism. Over the course of the twentieth century, Sandel argued, American judges, legislators, intellectuals, and activists yielded to the secular dynamic of liberal democracy and gradually moved to "bracket" moral, traditional, and religious concerns from public life, with the disturbing result that the moral shape of the modern republic had come to look less like the one envisioned by the Great Emancipator than that of the Little Giant. While Lincoln sat imprisoned in his Memorial, the spirit of Douglas animated the great debates at the other end of the Mall.

William Lee Miller's *Lincoln's Virtues: An Ethical Biography* pursues what made Lincoln a moralist—or rather, how Lincoln managed to blend his moralism with a confidence in liberal democratic politics. This is a departure fully as dramatic as Sandel's, since no other adjective is applied to Abraham Lincoln more commonly, and more inaccurately, than *pragmatic*. With such a staggering abundance of secondary material on Lincoln—more than eight thousand books by Miller's count—it is easy for incurious Lincoln biographers and historians of nineteenth-century America to look at Lincoln's cautious gradualism on slavery, his skill at political maneuver, and his willingness to compromise and forgive, and to see it all as *pragmatism*, as if the term were some sort of synonym for *practical*, or even *cynical*. Leonard Swett, who knew Lincoln well and worked with him on the Eighth Judicial Circuit in Illinois in the 1850s, agreed that "in dealing with men he was a trimmer, and such a trimmer the world has never seen." Yet, Swett immediately added, "Lincoln never trimmed in principles—it was only in his conduct with men." In contrast to those inclined to see in Lincoln only a skillful politician, Miller wants us to read Lincoln as "quite an extraordinary *thinker*, on moral-political subjects."

ALLEN C. GUELZO *is Dean of the Templeton Honors College at Eastern University in St. David's, Pennsylvania, and author of* Abraham Lincoln: Redeemer President *(1999), co-winner of the Lincoln Prize for 2000.*

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And not only a thinker, but a practitioner. Miller's "young man Lincoln" is distinguished by his "great rejections" of cruelty, alcohol, gambling, and racial prejudice, as well as for his great appropriations of reading, ambition, humor, honor, and reason. What is extraordinary for Miller is how this same Lincoln embraced the political life without either jettisoning morals at inconvenient moments or making a cipher of his politics. "What he did instead as a lifelong politician was to realize that role's fullest moral possibilities." On the one hand, Lincoln the moralist will denounce mob rule in the Young Men's Lyceum lecture of 1838, especially when that rule was connected with the murderous suppression of antislavery opinion. But on the other hand, Lincoln the politician will reprimand the overly righteous for browbeating alcoholics in the Washington Temperance speech in 1842. Yet he was as much a politician in the first instance as he remained a moralist in the second, for opposition to Jacksonian mobs was a political stance, and issuing rebukes to the temperance puritans for their confrontational tactics did not compromise his fundamental agreement on the moral ills of drunkenness. Even more to the point, Lincoln the moralist will denounce slavery in 1837 as an "injustice," but at the same time Lincoln the politician will deplore the self-righteousness of the abolitionists as an embarrassment to the antislavery cause.

Miller finds the overlap between the moralist and the politician in what he calls "an ethic of responsibility, of prudence, or realism," derived from Max Weber's essay "Politics as a Vocation." Such an ethic is ultimately determined by principles, but it acknowledges that principles are not always easy to glimpse in every situation, and that a consideration of consequences also has to enter into the calculus of action.

Against this ethic of prudence, Miller contrasts the ethic of "abstract purity," which insists that only from the good comes good, and that any attention to consequences fatally compromises the truth. The advocates of "abstract purity"—and Miller leaves it to us to determine who might fill that role today—"hold that one must do what seems intrinsically and absolutely 'Right,' and 'leave the results to God.'" This, Weber claimed, was the thinking of a "political infant." It is a species of self-indulgence because it focuses all the attention on the agent's personal purity. However, both Miller and Weber agree that there are moments when "the two ethics" harmonize and

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a person identifies a line that cannot be crossed. Miller contends that, although those moments are "rare" and "profound," Lincoln reached that point.

It is curious that Miller develops this portrait of Lincoln across 456 pages and seventeen chapters, only to stop with the beginning of the Civil War—thus leaving mostly untouched the greatest ethical and political tests Lincoln actually faced. The Emancipation Proclamation, which Lincoln regarded as "the central act of my administration, and the greatest event of the nineteenth century," gets exactly three references by Miller. But even if we grant Miller the license to concentrate only on Lincoln's moral development up to the presidency in 1861, there are still puzzling omissions. Lincoln's career in law, which even then was not regarded as the place to find moralists at work, is almost entirely ignored. This is especially peculiar, since Lincoln's law practice was primarily what won him his reputation for exacting honesty. "Resolve to be honest at all events," Lincoln advised aspiring law students, "and if in your own judgment you cannot be an honest lawyer, resolve to be honest without being a lawyer. Choose some other occupation, rather than one in the choosing of which you do, in advance, consent to be a knave." But at the same time, the record of Lincoln's practice—overwhelmingly in civil rather than criminal law—shows him quite willing to embrace any and all comers. In 1847, Lincoln defended a Kentucky slaveholder trying to retrieve slave runaways in Illinois; in the 1850s, he represented the Illinois Central Railroad in evicting squatters who claimed rights of preemption. The famous "almanac case" in 1858 involved the successful defense of a murderer whom Lincoln knew to be guilty. Not a bit of this surfaces in Miller's account.

At least Miller recognizes that there have been, over the years, two major ethical charges leveled against Lincoln—the first, that he was entirely too much of a purist, allowing concern for the Union's integrity and emancipation to dominate his thinking so much that it blinded him to the terrible costs of the Civil War; and second, that he was a closet racist entirely lacking in principles who resorted to emancipation only out of self-serving political motives. The problem is that Miller spends so little time (less than thirty pages) responding to these questions, which have been the two most serious battering rams used against Lincoln's reputation in the

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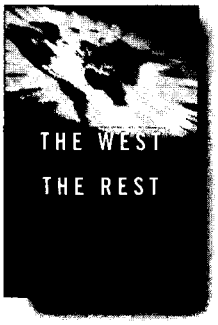

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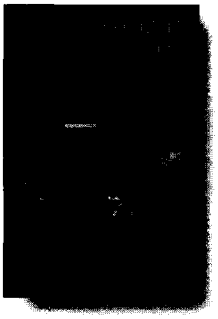

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last 140 years. And even then, Miller's defense of Lincoln on racial issues amounts to little more than the assertion that, although Lincoln repeatedly promised in 1858 that he had no interest in replacing black slavery with black equality, this position was still better than most of his contemporaries. While this is certainly true, it is relevant only if we are arguing that Lincoln was no more perceptive and no more morally sensitive than most of his contemporaries—and that is far less than what Miller wants to claim.

BUT BY FAR the greatest weakness of Miller's book is its failure to identify the sources of Lincoln's moral ideas. Although Miller reviews Lincoln's early adult reading, he offers no real discoveries (apart from a highly illuminating connection between one of Lincoln's notes from 1854 and a passage from Francis Wayland's *Elements of Moral Science*). Nor does he sketch for us the shape of ethical theory in the antebellum republic and ask whether or not Lincoln's thought dovetails with it. Lincoln was certainly not a Transcendentalist. He was surprisingly Bible-literate, but more as a function of his near-photographic memory than serious study. Rather than moralist, Lincoln's professed political philosophy corresponds rather neatly with Benthamite utilitarianism and resembles nothing so much as J. S. Mill's individual-centered liberalism. His increasing turn to religious interpretation to explain the mysteries of the Civil War owes much to Old School Presbyterian preaching and theology. But Miller makes none of these connections, and supplies none of this larger intellectual background. We are left with a Lincoln who is described as moral, but in terms that never involve a secure definition of what it meant to be moral in Lincoln's day. Lincoln floats through Miller's sprawling and vivid narrative, untethered and (so to speak) historically unencumbered.

Nevertheless, Miller has succeeded in highlighting a critical aspect of Lincoln's political moralism: the virtue of prudence. Prudence was the natural counterpart to Lincoln's dread of passion and glorification of reason. Miller mourns the way in which prudence has come to be thought of as a synonym for "calculating, cautious self-regard," although again he fails to point out that an Enlightenment understanding of prudence was, in Lincoln's day, already under assault by Kantian moral absolutism. Today, Kantianism, in the form of Rawls' veil-of-igno-

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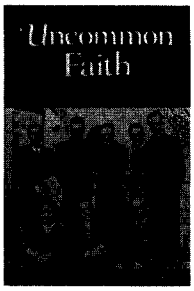

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rance liberalism, has come to dominate our thinking so thoroughly that we scarcely recognize prudence for what it is, much less as a virtue. No wonder that we have trouble recognizing Lincoln as a moralist. If Miller's book alerts us to nothing more than that, it will have been well worth the effort.

Smart Thinking

Upheavals of Thought: The Intelligence of Emotions. By Martha C. Nussbaum. *Cambridge University Press. 751 pp. $39.50.*

***Reviewed by* Edward T. Oakes**

Martha C. Nussbaum is a universalist feminist, which makes her something of an anomaly in the academy today. As she has pointed out in several recent books, such as *Sex and Social Justice* (1999) and *Women and Human Development: A Capabilities Approach* (2000), feminism, while completely taken for granted in the liberal West (ever met anyone who is *for* discrimination against women?), is anything but a common presupposition in lands untouched by either the Enlightenment or rationalized industrialization.

This is a point nearly always missed by advocates of the separatist (and highly rhetorical) feminism now reigning in the higher altitudes of the postmodern university. Just a few years back Nussbaum penned a tartly dismissive review of several books by Judith Butler (who is, appropriately, a professor of rhetoric at the University of California, Berkeley) in the *New Republic* (February 22, 1999). So scathingly devastating was this review of what might be called Butler's "multiculturalist feminism" that it prompted a torrent of letters from the usual suspects, one of which had the audacity to object (from the left!) to Nussbaum's assertion that "women who are hungry, illiterate, disenfranchised, beaten, [and] raped . . . prefer food, schools, votes, and the integrity of their bodies." Not so, claimed the letter writer. No, based on her own recent studies, opined this correspondent, "the gender practice of the rural poor is quite often in the performative mode, carving out power within a more general scene of *pleasure in subjection*" (emphasis added).

Battling such nonsense certainly requires a commitment to the notion of universal human rights. But perhaps even more, it requires a broader understanding of the human condition than one could gain from reading our contemporaries. Nussbaum cultivates that understanding through the careful study of classical philosophy. Her first book was a close reading of Aristotle's biology (a monograph in 1978 on Aristotle's *De motu animalium*); then in 1986 she produced a seminal work on the relation of Hellenic ethics to the Greek tragedians (*The Fragility of Goodness*) and concluded the trilogy with a study of the Stoic critique of concupiscent desire (*The Therapy of Desire*, 1994; reviewed in FT, August/September 1995).

In many ways, *Upheavals of Thought* can be considered the capstone of these works. Nussbaum has now taken the results of these primarily historical studies and used them to fashion her own updated version of what she calls "neo-Stoicism." By that term she means two things: one, that emotions are inherently cognitive operations, or in her words "involve judgments about important things"; and two, that these judgments become emotional precisely by their connection to the

Edward T. Oakes, S.J., *is the Margaret and Chester Paluch Visiting Professor of Theology at the University of St. Mary of the Lake/ Mundelein Seminary in Mundelein, Illinois, during the 2002-2003 academic year.*

american catholics in the public square

Catholicism in American Life: Alternative Views

Speakers:

Richard John Neuhaus & Peter Steinfels

Respondent:

Jean Bethke Elshtain

Friday, September 27, 7:30 PM

The Leavy Conference Center
Georgetown University, Washington, DC
(Georgetown Hospital Entrance 1 at 3800 Reservoir Road, NW)

This forum is part of the American Catholics in the Public Square Project, co-sponsored by the Commonweal Foundation and the Faith and Reason Institute. It is funded by The Pew Charitable Trusts.

Information about the project can be found at
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emoter's neediness. That is, while we are capable of recognizing all kinds of matters as notionally important, it is only when they affect us directly that they elicit an emotional reaction. Nor is that ineluctable fact a testimony to man's essential selfishness, although it can of course mean that as well. Rather, self-referentiality is essential to all the emotions, and it does no good whatever to moralize against that fact. For Nussbaum, all emotions are egocentric. As she puts it,

> I do not go about fearing any and every catastrophe anywhere in the world, nor (so it seems) do I fear any and every catastrophe that I know to be bad in important ways. What inspires fear is the thought of damages impending that cut to the heart of my own cherished relationships and projects. What inspires grief is the death of someone beloved, someone who has been an important part of one's own life. This does not mean that the emotions view these objects simply as tools or instruments of the agent's own satisfaction: they may be invested with intrinsic worth or value. They may be loved for their own sake, and their good sought for its own sake. . . . [Nonetheless], the emotions are in this sense localized: they take their stand in my own life, and focus on the transition between light and darkness there, rather than on the general distribution of light and darkness in the universe as a whole.

This is wisdom, and the book is packed chock-a-block with the stuff. Admittedly it is written in a fairly dry style, which might strike the reader as an ironic feature of a book discussing emotional upheavals; but to my mind her sobriety of style is exactly suited to the matter at hand. Nussbaum's sobriety allows her readers to gain a certain distance on their own emotional turmoil, and thus also needed clarity about what such turmoil might tell us about our relationship with the world. In short, for Nussbaum emotions are a form, so to speak, of smart thinking.

(Note: the author excludes from her catalogue of emotions—rightly in my view—depression, understood in the clinical, chronic sense. For one thing, that kind of depression is chemical, not environmental in origin. But more crucially, depression's lack of intentionality means that it is not an *e*-motion; that is, depression

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does not bring us *out* of ourselves. Rather it induces a disengagement from the world, which cannot be said of the directionality of love, grief, anger, hatred, joy, hope, gratitude, guilt, contentment, fear, or any number of other emotions. Nussbaum also excludes such bodily appetites as hunger and thirst because they are purely physiological reactions. Pain and pleasure, as well as the sex instinct, hover somewhere in the middle: they are at the most fundamental level physiological, but they are also forms of sensations that bear within themselves an inherently intentional directiveness.)

The book is quite long, for it contains chapters on Nussbaum's own emotional reactions to St. Augustine, Dante, Emily Brontë, Walt Whitman, and James Joyce, as well as a chapter devoted to the music of Gustav Mahler—each of which is itself nearly the size of a monograph. In fact, the book's last section, Part III, is really a book within a book (it clocks in at more than 250 pages) and does not sit easily with the philosophical analyses carried on earlier. This is partly because Nussbaum works through all these authors using a technique similar to Dante's in the *Inferno* and *Purgatorio*, where the Latin poet Virgil accompanies him on his journeys.

What the author has done is to cast herself as a kind of Virgilian cicerone who accompanies not Dante but Albertine, the character in Marcel Proust's *In Search of Lost Time*. This journey is meant to teach Albertine that her erotic attraction toward the novel's character Marcel needs reform, a kind of Socratic "sentimental education," so that Albertine may not be "excessively needy, vengeful, or partial, and so as to be supportive of general social compassion, reciprocity, and respect for individuality." (In these passages Nussbaum often sounds like Seneca, the most famous Stoic of them all, writing to his pupil and young charge, Nero. Seneca's notorious lack of success with that infantile imperial hellion of course does not vitiate the advice.)

Unfortunately, Nussbaum quickly abandons Socrates and eventually ends up with the rather disconcerting figure of Joyce as the beckoning Beatrice. This highly eccentric Irish novelist must play the Beatrice role because, except for an opening treatment in Part III comparing Plato, Spinoza, and Proust (who actually appear before the journey begins), Albertine's journey itself is entirely chronological in its succession of figures. This means that the termination

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of Albertine's ascent is really an accident, without theological or even philosophical coherence. For that reason, I do not believe that this journey-narrative—and thus the last third of the book—can be regarded as a success.

First of all, Nussbaum adopts a structure of ascent all the while assuming the Romantic criticism of the Christian ascent-narrative. Secondly, the structure of her narrative presupposes the Whig interpretation that all history is leading to the final *telos* of a liberal individualism that has superseded Christianity. Somewhat like the novelist George Eliot, who wanted Christian morality without the religion, Nussbaum encourages Albertine to grow beyond her own narrow horizons through a self-abnegating journey of transcendence while simultaneously undermining the very reason one should undergo such asceticism. Albertine is expected to reform her love without being offered a well-grounded judgment about her true end that would motivate her desire to reform. (One can almost hear the sneering ghost of Friedrich Nietzsche here pouring contempt on this impossible project, as he quite rightly did with George Eliot's own naive Victorian hopes for a religionless morality.)

Albertine no doubt learns a lot, and so does Nussbaum's reader, as long as he is willing to give her the benefit of the doubt. Nor does Nussbaum abandon her central philosophical thesis, that emotions are not colliding, careening forces that sweep over a person unwilled like some tornado in a Kansas summer; rather they are all, without exception, indicators of our enfleshment in the world. But if the world as such has an end that transcends the egocentric and self-referential needs and emotions of the individual, then that too must enter into the emotional picture. The Swiss Catholic theologian Hans Urs von Balthasar once decried early in his career the "sleek and passionless" theology of neo-Scholasticism and urged theology to devote itself to "movement, sharp debate, the virile language of deep and powerful emotion." Martha Nussbaum's own narrative would seem to want us all to have a life of the intellect marked by such deep and powerful emotion. But she ends up depriving her readers of a true judgment about where the intentionality of the emotions is leading us, toward the summit of our supreme fulfillment and happiness—our end in God.

A Famous Victory

Six Days of War: June 1967 and the Making of the Modern Middle East. By Michael B. Oren. *Oxford University Press. 446 pp. $30.*

***Reviewed by* Andrew J. Bacevich**

The modern Middle East emerged out of three great earthquakes that rocked the region over a period of a half century: the final collapse of the old Ottoman Empire as a result of World War I; the creation of the state of Israel in 1948; and the Six Day War of 1967. In his gripping and provocative new study, Michael Oren, an American and longtime resident of Israel, provides a fresh assessment of the last of these three, the event from which so many of today's problems in the region are derived. The result is a book as timely as it is brilliant.

The 1967 war is an oft-told tale of high drama and great achievement. But Oren's purpose in *Six Days of War* is not simply to affirm the heroic narrative to which almost all Israelis and most Americans subscribe. Basing his findings on multi-archival research, enjoying access to recently declassified documents, having himself interviewed many key political and military figures, Oren offers readers an account of the Six Day War and its origins that is rich in detail, unfailingly readable, and surprisingly even-handed. Beyond that,

Andrew J. Bacevich *teaches international relations at Boston University. His latest book,* American Empire, *will be published by Harvard University Press this fall.*

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however, to employ a sometimes suspect term, the book qualifies as an exercise in historical revisionism: although by no means overturning the traditional narrative, the author amends our understanding of the war in ways that help illuminate the present.

OREN'S MOST significant findings fall under several headings.

Strategic incoherence. Oren argues persuasively that Israel entered and conducted the war in a strategic void. Rather than strategy, Israeli leaders, military and political alike, relied on—indeed, were obsessed with—their own variant of the lessons of Munich: that even the appearance of weakness would undermine the credibility of Israel's deterrent and invite its destruction. Hence the imperative of projecting an attitude of unyielding determination and resolve. But there the Israeli conception of strategy ended; once having decided to draw the sword, Israel wielded it with little sense of how doing so might affect its future security and well-being.

As a result, the war itself unfolded as a series of improvisations. Decision makers reacted to events at the front, all but oblivious to the potential long-term political consequences (apart perhaps from vague expectations that the Arabs would surely offer peace in exchange for the return of conquered territory). As Oren quotes one Israeli general, "The objectives rose from the bottom up, from the military to the political echelon. Only after the war did the government draw circles around our accomplishments and declare that these were its original goals."

Civil-military dysfunction. This absence of strategic clarity—along with the perceived weakness of Prime Minister Levi Eshkol—contributed to an eruption of civil-military tension that by the eve of the war had reached crisis proportions. Eshkol's reluctance to act in the face of mounting Egyptian provocations—the prime minister hesitated to risk war absent at least tacit approval from Washington—put anxious Israeli Defense Force (IDF) generals such as chief of staff Yitzhak Rabin in an untenable position. Certain that Israel was facing an existential threat, they could either work around Eshkol, in effect usurping civilian authority, or they could browbeat the prime minister and his cabinet into doing what they viewed as essential to Israel's survival. In practice, they did both. As one result, Rabin, pushed into making decisions on matters well beyond the military realm, suffered a nervous breakdown. Eshkol meanwhile found his authority

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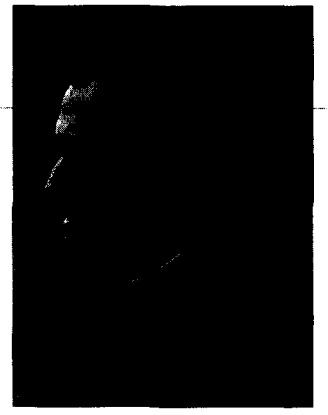

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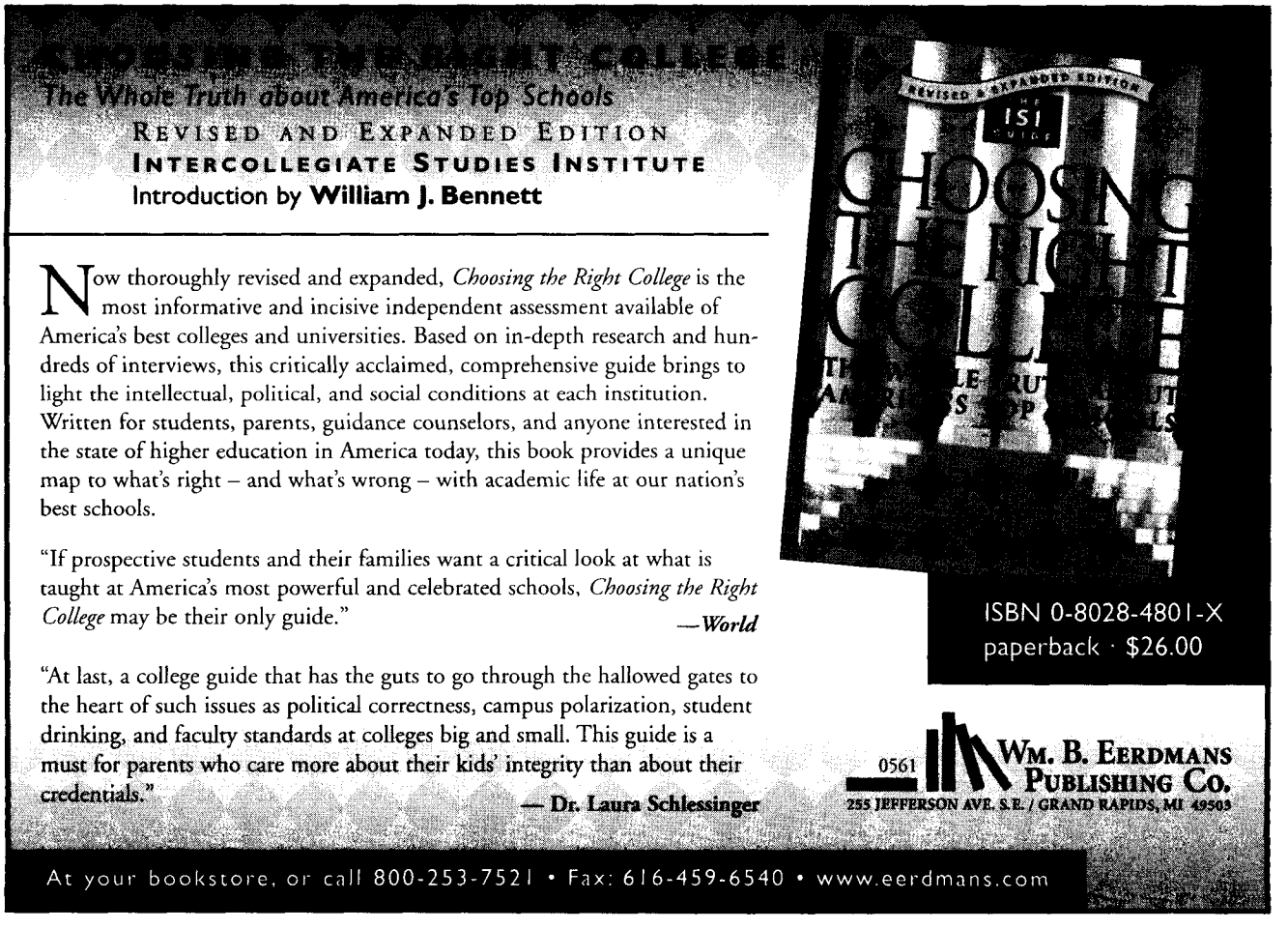
progressively circumscribed in what his wife called a de facto "putsch."

Efforts to resolve this internal crisis culminated in the appointment of Moshe Dayan as minister of defense. Described by one acquaintance as "a liar, a braggart, a schemer, and a prima donna—and in spite of that, the object of deep admiration," the war-hero-turned-politician was expected to restore a semblance of civil-military balance. But the role of harmonizer was not one to which Dayan was well-suited. Rather, once installed in the job, he arrogated to himself quasi-dictatorial prerogatives, not only superseding Eshkol but also making momentous decisions, such as ordering the IDF to seize the Golan Heights, without even bothering to consult the cabinet.

Arab disunity and military incompetence. There is truth to the image of the beleaguered Jewish state in 1967 (and still today) surrounded by a sea of Arabs yearning for its destruction. But there is little truth to the notion that the Arabs have ever managed to translate numerical and geographical advantage into anything remotely resembling political or military effectiveness. That there existed in 1967 an "Arab nation" united behind the leadership of Egyptian President Gamal Abdel Nasser was a complete fiction. The so-called United Arab Command created at Nasser's behest in January 1964 to pave the way for the liberation of Palestine was an empty shell. Rather than commanding fraternal deference, Nasser clashed continuously with rivals jostling for primacy in the Arab world. The vile verbal onslaught routinely directed at Israel before (and after) June 1967 was as much an expression of this intramural struggle for power as of any intention to act. Proclaiming death to the Jews offered a seemingly cheap way of establishing one's bona fides as an Arab nationalist. Indeed, as Oren makes clear, this inter-Arab maneuvering even more than anti-Zionism as such created the conditions that exploded in war on June 5.

When war did come, it found the Arabs, for all their bombast, singularly unready. "Israel spent years preparing for this war," one Egyptian officer bitterly recalled, "whereas we prepared for parades." Prior to June, both Israeli and U.S. intelligence estimates were confidently predicting that the IDF would trounce all comers. Even so, Arab military ineptitude—amply documented by Oren's Arab sources—was nothing short of stupefying.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When provided with even the most rudimentary leadership, Arab soldiers could mount a stout resistance, as the IDF discovered on more than one occasion. But within Arab formations, leadership proved to be a rare commodity. Indeed, with high-ranking commanders appointed on the basis of personal connections and political reliability, the more senior the officer the less likely he possessed the skills needed to do the job. No one embodied this axiom more perfectly than 'Abd al-Hakim 'Amer, Nasser's drug-addled, mentally unstable, notoriously indolent crony-rival who as field marshal of Egypt's armed forces handed Israel control of the Sinai within the course of a single day. According to a hallowed military aphorism, victory on the scale of Cannae requires not just the brilliance of a Hannibal but the cooperation of an adversary as hapless as Varro. It does not detract from the IDF's battlefield accomplishments to observe that Israel in 1967 faced a passel of Varros.

The bankruptcy of Arab political leadership. This is what we can say about Nasser and his fellow Arab rulers. Before the war, they lied to their people. (Official professions of sympathy and support for Palestinians were then—as they remain today—largely cynical.) During the war, they lied first to one another and then, when defeat loomed, rather than facing the facts, they lied even to themselves. And when those facts became undeniable, they concocted new lies, blaming their fate on the Americans—who, in reality, had done little that was meaningful either to avert the war or to influence its outcome. Even before the fighting stopped, Cairo radio was broadcasting: "The United States, oh Arabs, is the enemy of all peoples, the killer of life, the shedder of blood, that is preventing you from liquidating Israel."

Is there anyone on earth as habitually ill-served by their leadership as the people who inhabit the Arab world? On that point, Oren issues a scathing indictment, one that by no means spares the late King Hussein of Jordan, canonized during the Clinton years as a saintly peacemaker, but revealed here as a mere opportunist. And yet as an opportunist, he may have been the best of a sorry lot.

FROM THE PERSPECTIVE of Israel and its (few remaining) friends, the Six Day War was—and remains—both just and necessary. Nothing in Michael Oren's book calls this basic judgment

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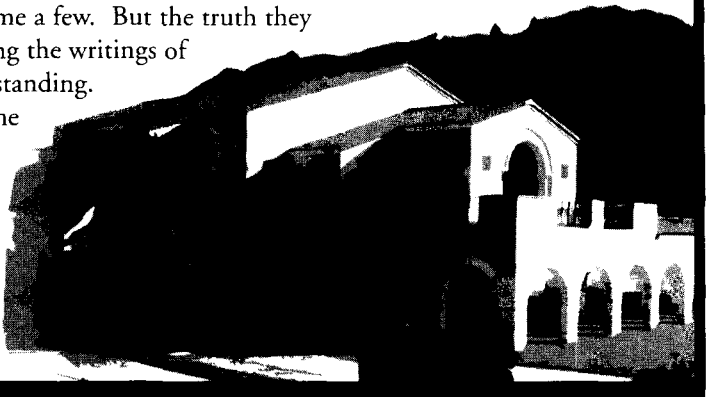

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into question. Yet thirty-five years after this seemingly decisive victory, Israeli citizens cannot ride a bus, stroll through a market, or stop in a café without placing their lives at risk. The improvisations of June 1967 have yielded not decision but—at least on the West Bank—an intractable conflict immune to resolution by conventional military means.

Arguing for war in 1967 and certain of victory, Ariel Sharon, personification of the audacious, hard-driving Israeli field commander, promised that "a generation will pass before Egypt threatens us again." Sharon contributed mightily to the destruction of Nasser's legions, but his prediction proved dead wrong. Within a half-dozen years, Egypt was back and another costly war ensued. In the end, the expectations of the much-abused Eshkol came closer to the mark: "Nothing will be settled by a military victory. The Arabs will still be here."

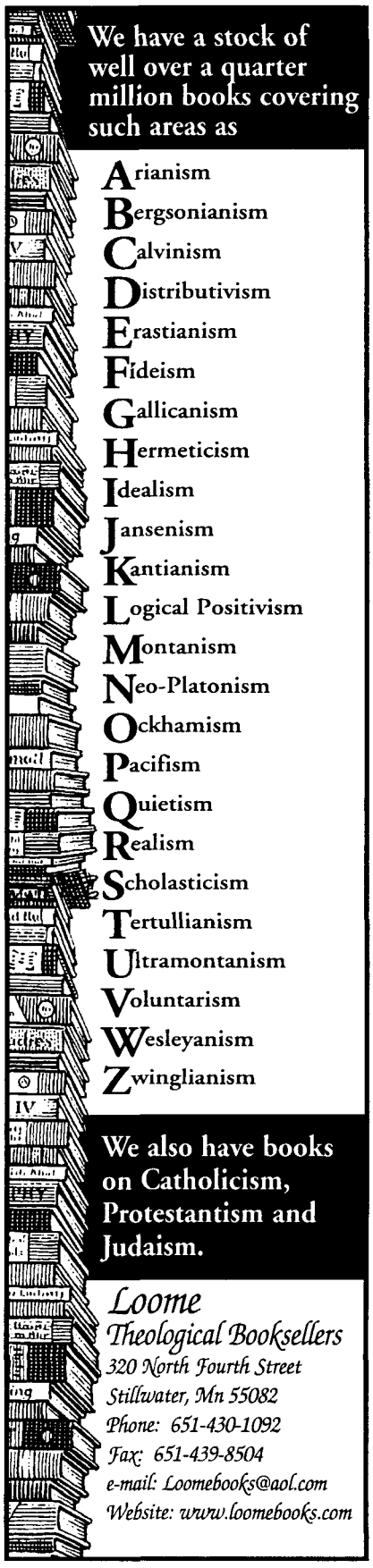
In 2002, Sharon himself is also still here, now serving as prime minister. Israel today enjoys a greater-than-ever military advantage over its neighbors. But the question haunting Israel hardly differs from what it was in 1967: how to translate military strength into politically desirable outcomes—a challenge made all the more difficult by the continuing irresponsibility of Arab leaders like the execrable Yassir Arafat.

For Israel today, the legacy of June 1967 appears far more problematic than when after six dramatic days of fighting the IDF stood victorious on all fronts. Whether Ariel Sharon is capable of fashioning out of that legacy a coherent strategy that will at long last provide Israelis with some approximation of peace remains to be seen. But for the rest of us, the publication of this extraordinary book should dispel any lingering expectations that the mere fact of Israel's military superiority will persuade those committed to its destruction to give up their cause.

BRIEFLY NOTED

Real Ethics: Rethinking the Foundations of Morality. By John Rist. *Cambridge University Press. 295 pp. $23 paper.*

John Rist's punchy title suggests that it is possible for an ethical theory to be less than fully engaged with reality. It also hints at the author's vigorous defense of moral realism, the view that there are objective moral standards that transcend individual preference and cultural diversity. For Plato, this view implied the existence of Forms, which served as the ground of genuine knowledge in all areas, including morals. There is something similar in the thought of every realist philosopher, such as the divine design for human nature favored by Christian moralists. The alternatives to realism range from Thrasymachus through Epicurus, Hobbes, Hume, and Nietzsche. For these thinkers, moral language is free-floating and ultimately arbitrary, the more or less sophisticated expression of someone's perceived needs, desires, wishes, and preferences. Rist makes the compelling argument that all post-Enlightenment theories of morality (as well as the Nietzschean and various postmodern subversions of ethics) actually depend for their plausibility on the Christian metaphysics that they have chosen to abandon. Without such grounding they are not even intelligible, let alone persuasive, whether they concentrate on ethics for individual life or on social and political concerns. In Rist's view, those genuinely committed to objective morality need to remain as vigilant as Plato to the sophistries that non-objectivists are ready to employ. Not only will the scholar of ethics find in this volume a refreshingly honest look at the vast range of ethical positions, but the generally well-educated reader will profit from the



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crisp, accurate presentation of the positions and arguments prominent in contemporary moral discourse. Perhaps most importantly, Rist shows that one's ethical theory will invariably depend upon one's view of the human person, and that one's understanding of anthropology will depend inescapably on one's metaphysical and religious commitments.

— Joseph W. Koterski, S.J.

THE LONELY WAY: SELECTED ESSAYS AND LETTERS, VOLUME I (1927-1939). By HERMANN SASSE. Translated by Matthew Harrison. Historical introductions and biographical sketch by Ronald Feuerhahn. *Concordia. 502 pp. $21.95.*

Hermann Sasse (1895-1976) was a Lutheran theologian whose career began under the influence of the classical liberalism of his teachers, Adolf Harnack and Gustav Deissmann. A year spent as an exchange student at Hartford Theological Seminary (1925-1926) put Sasse in touch with theologians of the United Lutheran Church in America, and through them such nineteenth-century Lutheran confessionalists as Wilhelm Loehe and August Vilmar. By the time Sasse returned to Germany to take up a teaching position at Erlangen and become an active participant in the ecumenical movement, he was a convinced Lutheran. In the early 1930s, Sasse emerged as a vocal critic of the National Socialist party and Germany's new chancellor, Adolf Hitler. In 1933, Sasse collaborated with Dietrich Bonhoeffer to produce the Bethel Confession, although he would part ways with Bonhoeffer over the Barmen Confession the following year, since he believed that this document failed to take account of the unresolved differences between the Lutheran and Reformed churches. Throughout his life, Sasse would remain a confessional ecumenist, even though in his mind the ecumenical movement had lost the ability to confess the dogma of the church catholic. With the formation of the unionistic Evangelical Church in Germany in 1948, Sasse judged that confessional Lutheranism had disappeared in the territorial churches. The following year, Sasse emigrated to Adelaide, Australia, where he served on the faculty of the seminary of the United Evangelical Lutheran Church of Australia (later merged into the Lutheran Church of Australia) until his death in 1976. The essays and letters in this book reflect Sasse's early years. The title is apt, for Sasse's life was characterized by ecclesiastical loneliness as he contended for a Lutheranism that was dogmatically grounded, sacramentally vibrant, and ecumenically responsible. Many of the essays in *The Lonely Way* reflect the political situation in pre-World War II Germany. Several document Sasse's attempt to use the Lutheran theory of the "two kingdoms" to criticize National Socialism. (See, for example, the treatise of 1930 entitled "The Social Significance of the Augsburg Confession" and "Church Government and Secular Authority according to Lutheran Doctrine," written in 1935.) One of the most powerful and still relevant writings is "Union and Confession" of 1936. Here Sasse exposes the "pious lie" of doctrinal indifference. Sasse writes: "Where man can no longer bear the truth, he cannot live without the lie. . . . The most fearful thing about the pious lie is that it will not lie only to people, but also to God in prayer, confession, in the Holy Supper, in the sermon, and in theology."

— John T. Pless

CATHOLIC WOMEN'S COLLEGES IN AMERICA. Edited by TRACY SCHIER and CYNTHIA RUSSETT. *Johns Hopkins University Press. 439 pp. $48.*

Every year, colleges and universities across the country spend tens of millions of dollars developing and disseminating mission statements that are meant to differentiate them from the educational institution down the street. Strangely, these statements

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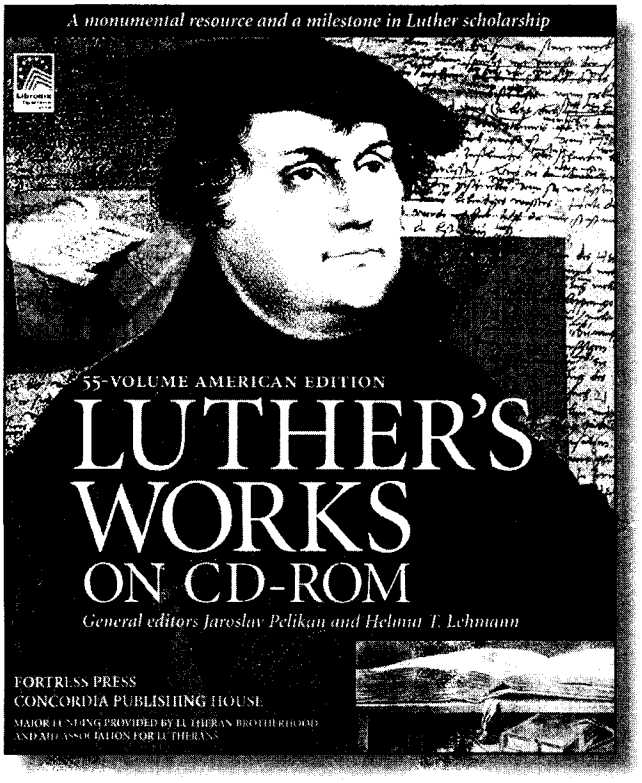
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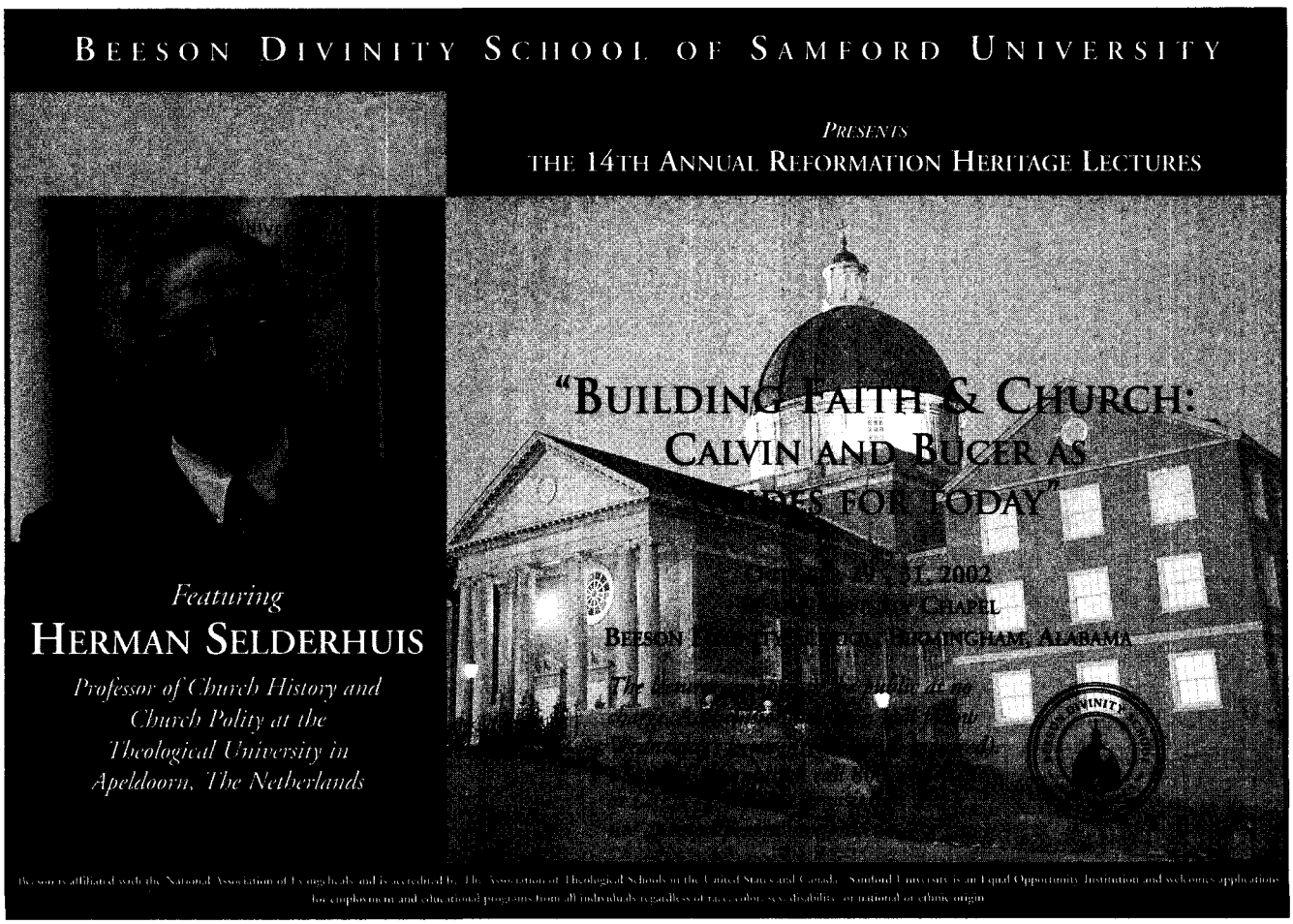
are rarely distinctive. In a time when one college simply blends into the next, it is odd that schools with unique missions would choose to water them down. But according to the essays collected in *Catholic Women's Colleges in America,* that is exactly what has happened over the past fifty years. The first Catholic women's colleges in the U.S. were founded and run almost entirely by groups of women religious, who received little support, financial or otherwise, from church leaders. These colleges provided the daughters of middle- and upper-class families with a strict (almost monastic) Catholic environment and a serious liberal arts education. Though there was a great deal of pressure for the administrators to turn to more practical subjects, particularly to attract tuition from recent Catholic immigrants, many colleges managed to resist. The ideal of liberal education for its own sake continued until the early 1960s, when the massive cultural shifts that marked the decade began. From that point on, many followed the trend toward coeducation. Behavioral codes were largely discarded. Religious messages were diluted. And the liberal arts were pushed out by subjects like "music therapy" and "bicultural studies." In other words, the colleges gave up the very things that had made them distinctive. The otherwise competent scholars included in this volume refuse to see these developments as problematic, and instead praise the remaining 120 or so schools as "risk-taking" and "innovative." Maybe the colleges can use these terms in their mission statements.

— *Naomi Schaefer*

MORALITY AND THE HUMAN GOODS: AN INTRODUCTION TO NATURAL LAW ETHICS. By ALFONSO GÓMEZ-LOBO. *Georgetown University Press. 142 pp. $17.95 paper.*

Alfonso Gómez-Lobo addresses this book "primarily to students and readers not formally trained in philosophy who feel the need for a reliable conceptual structure for their own thinking in the midst of the confusing array of moral views expressed today." He serves that audience well with his short, clear guide on how to employ the natural law tradition in daily moral decision-making. Gómez-Lobo begins his road map of "the mainstream tradition of the Western moral philosophy" with a quick synopsis of Plato's *Crito.* It is a starting point from which he describes the universal nature of moral reasoning.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He first establishes what he terms the "Formal Principle," or the first principle of practical rationality: "One should pursue what is good and one should avoid what is bad." Once he establishes that, the author explains that in order to live a moral life, one must do more than merely adopt the Formal Principle. Though true, the Formal Principle cannot tell us *what* is good or bad. It merely tells us what we should do once we determine what is good or bad. The hard—and fun—part is distinguishing the good from the bad. To make that determination, Gómez-Lobo takes the reader through the thought process of how to recognize what he terms the "basic ingredients of human flourishing." He makes the case for each of the following: life, family, friendship, work and play, the experience of beauty, knowledge, and integrity. Throughout, he invites the reader to disagree and enter into dialogue with him, particularly when he explains why he rejects some other prime candidates (freedom, dignity, and pleasure) from the list of essential human goods. His list of rejections leads to the one reservation I have about the book: Gómez-Lobo denies that religion is one of life's self-evident goods, because besides producing some pleasant effects for the worshiper, religion can also lead to "bigotry, intolerance, and certain forms of fanaticism." That may be, but religion is the mechanism by which people pursue and understand the truth of their existence. That would seem an integral part of the good life, even if it can lead, as the author points out, to abuse or misunderstanding. The issue of religion's place in the good life aside, this modest effort by Gómez-Lobo is a success. I would like to make it required reading for the members of my parish youth group who head off to college this fall. It would be a valuable inoculation against what undoubtedly awaits them on campus.

—Jay Webber

A Stay Against Confusion: Essays on Faith and Fiction. By Ron Hansen. *HarperCollins Perennial. 268 pp. $13.95 paper.*

Ron Hansen is a penetrating and thought-provoking writer. Whether relating the tale of a mystical young nun (*Mariette in Ecstasy*), retelling in a contemporary context the parable of the Prodigal Son (*Atticus*), or breaking new ground in historical fiction (*Hitler's Niece*), Hansen's work manages to engage both mind and heart. This collection of essays is no exception. Hansen reflects upon the im-

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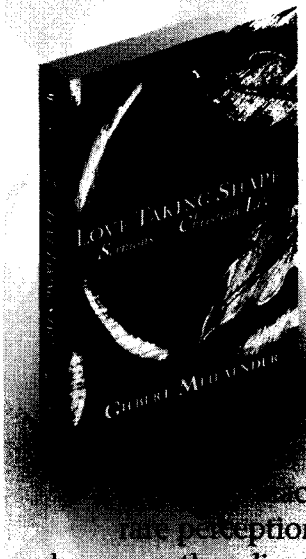

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pact his childhood, his family history, and his Catholic faith have had on his writing. He talks of stories and the reasons we read them, and considers the sacramental nature of fiction. He explores the lives of personal heroes, from Ignatius of Loyola to the poet Gerard Manley Hopkins and Hansen's literary mentor John Gardner. Especially engrossing are his meditations on the Eucharist and the phenomenon of the stigmata throughout history. Anyone interested in the general question of how faith and fiction interact will benefit from this book.

— *Jeff McAlister*

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NIEBUHR AND HIS AGE. By CHARLES C. BROWN. *Trinity Press International. 333 pp. $20 paper.*

A new and revised edition of the best single book we have on Reinhold Niebuhr, his strengths, his weaknesses, and why he continues to be a formative influence for so many Christian thinkers today. In an extended bibliographical essay, Brown rightly debunks the biography by Richard Wightman Fox, with its indulgence of psychological speculation and denigration of the seriousness of Niebuhr's Christian faith. Anyone who wants to understand the possibilities of good and evil in history, the responsibilities and temptations of the American experiment, and the strengths and limits of moral suasion will be greatly instructed by Niebuhr, and, apart from his own books, there is no better entry to his classroom than *Niebuhr and His Age.*

FREEDOM AND ITS BETRAYAL: SIX ENEMIES OF HUMAN LIBERTY. By ISAIAH BERLIN. Edited by HENRY HARDY. *Princeton University Press. 198 pp. $24.95.*

Isaiah Berlin was a better intellectual historian than he was a philosopher. More precisely: he was a better philosopher when he was doing intellectual history. While in his more systematic essays he defended human liberty by appealing to a doctrine of moral "pluralism" that he could never entirely distinguish from relativism, his more historical portraits of various intellectuals contain a far more compelling account of political life. Berlin was drawn to writers who dissented from prevailing opinions—including liberalism, modernity, and the Enlightenment—and in those dissents he discovered potent passions and preoccupations that are often ignored by academic political theorists. Not that he sided with his antiliberal, antimodern, and Counter-En-

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lightenment subjects, but he did possess in abundance what one of his favorite dissenters—Johann Gottfried Herder—called *Einfühlung*, the capacity to sympathetically "feel oneself" into the views of those whose outlook differs profoundly from one's own. In helping us to understand the motivations behind the enemies of modern freedom—and thus also freedom's distinctive vulnerabilities—Berlin did us a great service. Since Berlin's death in 1997, Henry Hardy has been bringing out his previously unpublished writings. This collection consists of six radio lectures he prepared for the BBC in 1952. In them, he discusses Helvétius, Rousseau, Fichte, Hegel, Saint-Simon, and Maistre. Each lecture contains important insights, though more polished treatment of all six can be found elsewhere in Berlin's previously published work.

Being After Rousseau: Philosophy and Culture in Question. By Richard L. Velkley. *University of Chicago Press. 192 pp. $18 paper.*

It has been said that modern philosophy began with René Descartes' declaration of intellectual autonomy and came to an end with Martin Heidegger's project of "deconstructing" the history of Western thought. For Richard L. Velkley, professor of philosophy at the Catholic University of America, these two moments are linked together by the figure of Jean-Jacques Rousseau, who set the agenda for the German philosophical tradition by pointing to a fundamental weakness in the work of such early modern philosophers as Descartes, Francis Bacon, and Thomas Hobbes. These philosophers sought to make sense of life without appealing to a sacred or transcendent realm and denied that "species, forms, [and] wholes of any sort are given parts of a natural order." Against these authors, Rousseau argued that human beings are motivated by an ineradicable "eros for wholeness." Ancient philosophy and Judeo-Christian religion had each taken their cues from this longing for transcendence, but Rousseau rejected the possibility of returning to premodern modes of thought. In their place, he proposed to put man back in touch with transcendence through a deepening of philosophical modernity. Man could satisfy his longing for wholeness by breaking more radically with nature and fashioning a wholly autonomous human "culture." Beginning with Kant, the German philosophers followed

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In this powerful intellectual autobiography, Jaki reflects on the course of his thinking, asking in what sense the religious factors he holds dear can also promote scholarship, particularly in the sensitive field of science and religion. The answer is set forth in a combination of topical and chronological reflections that will be of great value to anyone practicing academic work today.

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Rousseau in maintaining that a transcendent realm is opened up to human beings only when "they are conscious of their free and 'spontaneous' power of lawgiving and creating." In this tradition, philosophy thus comes to be identified, not with the contemplation of God, but rather with the task of preparing the way for humanity's self-divination—a transfiguration that would enable man to satisfy his longing for transcendence within this world. Velkley traces the various twists and turns of this self-destructive tradition with considerable skill and philosophical rigor. Those with a training in philosophy will find the book to be an important reminder that, as Velkley writes, "there can be no perfect harmony . . . between the human desires 'to be at home in the world' and 'to behold what is.'"

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LIVING ICONS: PERSONS OF FAITH IN THE EASTERN CHURCH. By MICHAEL PLEKON. *University of Notre Dame Press. 336 pp. $37.50.*

John Paul II has persistently reminded us that the Church must again "breathe with both lungs," meaning the East and the West. This book of loving and engaging portraits, examining ten men and women of extraordinary faith, contributes to the realization of that hope. Of particular interest are the chapters on Sergius Bulgakov, Maria Skobtsova, Alexander Men, and Alexander Schmemann. But every chapter is both instructive and edifying, as is the author's concluding reflection, "Holiness in Our Time."

WHITEBREAD PROTESTANTS: FOOD AND RELIGION IN AMERICAN CULTURE. By DANIEL SACK. *Palgrave. 262 pp. $18.95 paper.*

A delightful, and frequently insightful, romp through mainline Protestantism's wrestling with the entanglements of the spiritual and material, in this case food. The author is associated with the interestingly titled Material History of American Religion Project at Columbia Seminary in Decatur, Georgia. Disputes over the common cup in communion service, the centrality of coffee klatches in congregational life, and moralistic fads in dieting all come in for erudite, and sometimes tongue-in-cheek, examination. The Church may collapse in doctrinal and moral confusion, Sack suggests, but so long as there is coffee and cookies at the end of the meeting, the gates of hell will not prevail.

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The Right Questions: Truth, Meaning, and Public Debate. By Phillip E. Johnson. *InterVarsity. 180 pp. $16.*

Over the course of his many years as a distinguished professor of law at the University of California, Berkeley, Johnson's training in forensics and rhetoric—the art of knowing and making arguments—led him to question the philosophy, typically disguised as science, of Darwinism. Writing also in these pages, he soon became a celebrated critic of a kind of science that, as he puts it, "left the most technologically advanced societies with a definition of knowledge that allowed knowledge only of means and relegated all questions of ultimate ends to the realm of subjectivity and speculation." The present book is enhanced by autobiographical reflections and solid advice on how to make arguments effectively, beginning, as his title suggests, with framing the questions correctly.

Christ's Fulfillment of Torah and Temple. By Matthew Levering. *University of Notre Dame Press. 254 pp. $24 paper.*

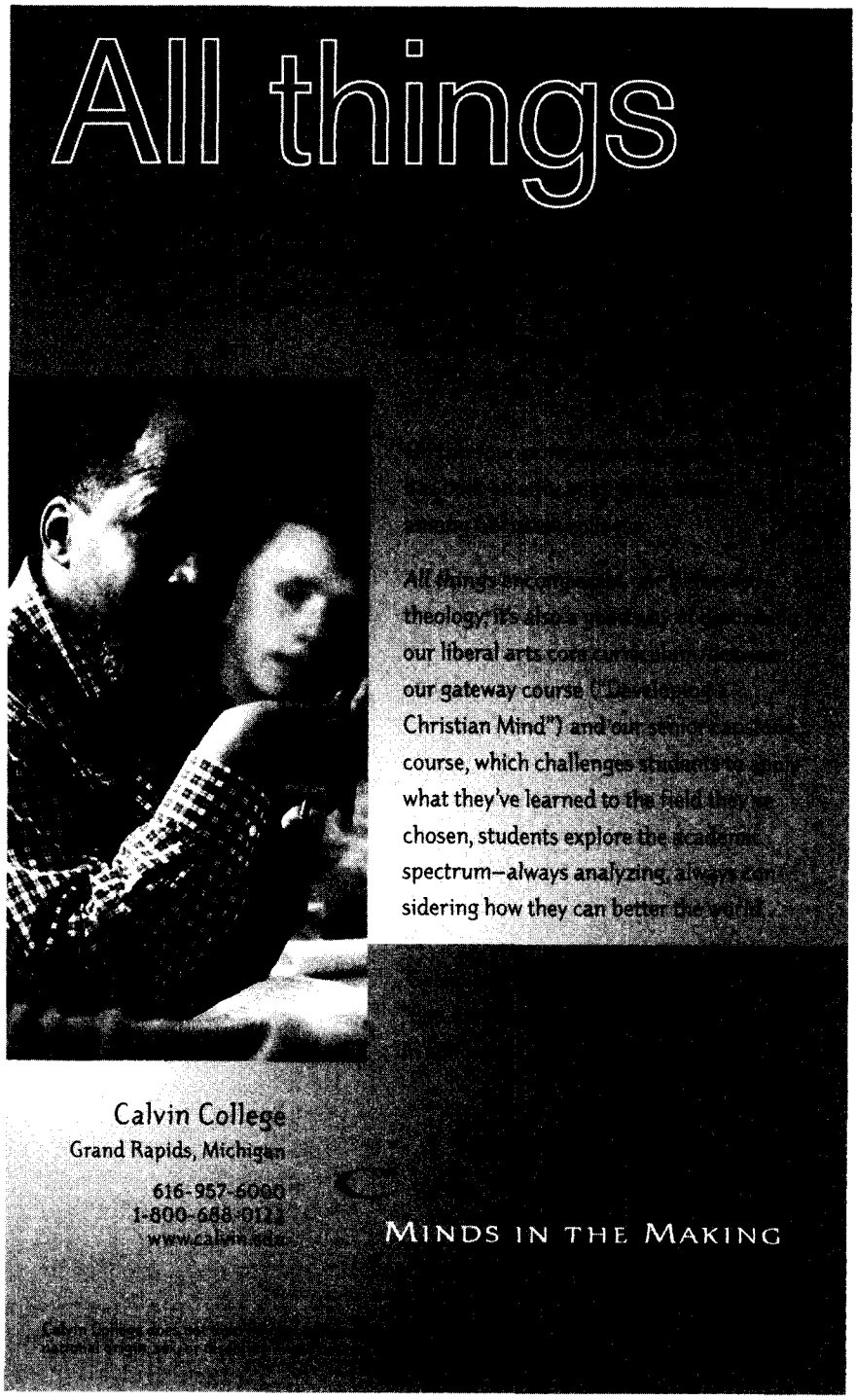
The subtitle is "Salvation according to Thomas Aquinas," and the author explores very closely the Angelic Doctor's reading of biblical texts in a way that offers a fresh perspective on the connections between law (including natural law) and gospel, as well as the ways in which the Church is and is not "the new Israel." Levering's is an illuminating argument for readers with at least a modicum of theological training.

Toward a Theory of Immigration. By Peter C. Meilaender. *Palgrave. 259 pp. $55.*

Against the conventional wisdom of liberal political theorists, who typically deny a state's traditional right to regulate immigration according to its national identity, the author persuasively argues that states may indeed legitimately exercise wide discretion in crafting immigration policies that reflect their own particular visions of political community.

The Future Is Now: America Confronts the New Genetics. Edited by William Kristol and Eric Cohen. *Rowman & Littlefield. 357 pp. $19.95 paper.*

An extremely useful collection of articles, congressional testimony,



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political speeches, and newspaper editorials and columns on the ethical dilemmas of the genetic revolution. Essays by frequent FT contributors Leon R. Kass, Gilbert Meilaender, Robert P. George, and J. Bottum—as well as excerpts from such classics as Aldous Huxley's *Brave New World* and Paul Ramsey's *Fabricated Man*—present the case for informed skepticism about the latest "advances" in biotechnology.

Power Over Pain: How to Get the Pain Control You Need. By Eric Chevlen and Wesley Smith. *ITF (P.O. Box 760, Steubenville, Ohio 43952). 236 pp. $12.95 paper.*

Chevlen is a physician and Smith a lawyer. Both are FT contributors and staunch opponents of physician-assisted suicide and euthanasia. *Power Over Pain* is a powerful argument, but, more than that, a very practical guide to how people suffering apparently uncontrollable pain can in fact get relief. The neglect of palliative care, the authors believe, is one of the great cruelties in contemporary medicine, and a major force in driving people to seek, for themselves and others, relief in death.

The Last Things: Biblical and Theological Perspectives on Eschatology. Edited by Carl E. Braaten and Robert W. Jenson. *Eerdmans. 169 pp. $16 paper.*

That the last things are among the first things is a truth of foundational importance for this journal. The rediscovery of eschatology is one of the most significant developments in the theology of the last one hundred years, and the book's opening essay is by Wolfhart Pannenberg, who has played a premier role in that development. Other essays are by the editors, by David Novak, and by John A. McGuckin, who does patristic turns on the ever-intriguing Book of Revelation.

The Saints' Guide to Knowing the Real Jesus. By David Mills. *Servant Publications. 168 pp. $9.99 paper.*

Do not be misled. The "real Jesus" here does not mean yet another quest for a historical Jesus in the author's image. Mills means the Jesus of the Church's faith and life, i.e., the Jesus of the Church's book, the New Testament. Solid theology for readers who are not theologians, and a recalling to the basics for those who are.

The Ethical Thought of Hans Urs von Balthasar. By Christopher Steck. *Herder & Herder. 226 pp. $35 paper.*

A revised dissertation that attempts to locate Balthasar's thought within current academic theories. The author, a Jesuit, makes one passing reference to John Paul II's encyclical *Veritatis Splendor* as a defense of "moral absolutism," and no reference to the work of the Dominican scholar Servais Pinckaers. Sixty-six pages of notes.

The Faith: A History of Christianity. By Brian Moynahan. *Doubleday. 806 pp. $40.*

A once over lightly, but for the most part informed, history of the Christian movement from start to, well, wherever we are now. This is a popular telling by an accomplished British journalist. The tone, and sometimes the bias, is Anglican, and he really does not like John Paul II at all. An engaging read that will carry the general reader along.

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THE PUBLIC SQUARE

A Continuing Survey of Religion and Public Life

Richard John Neuhaus

Seeking a Better Way

We may not have seen anything quite like this since Europe in the eighteenth century. In Tulsa, Oklahoma, there is the by now familiar circumstance where a bishop is charged with mishandling the case of a priest charged with the sexual abuse of minors some ten years ago. The bishop is said to have sent him away for treatment, was assured by experts that he was no longer a danger to minors, and appointed him pastor of a parish. The earlier allegations were not reported to civil authorities. Governor Frank Keating of Oklahoma immediately declared himself outraged, saying this is precisely the kind of episcopal misbehavior that the Dallas meeting of bishops last June promised to stop. As governor, Keating is the chief law enforcement officer of the state. As head of the national review board authorized by Dallas, Keating is the chief enforcement officer of the bishops' "zero tolerance" policy. With respect to episcopal misconduct, Frank Keating is in the curious position of being the chief executive officer of both Church and state. That's the kind of thing we have not seen for a very long time.

In Austria it was called Josephinism, after Holy Roman Emperor Joseph II, who, under Enlightenment influence more radical than Gallicanism in France, basically took over the Church in order to correct abuses. The policy in Austria lasted until 1850. For two centuries, and throughout a large part of Europe, the Catholic Church engaged in a turbulent, and finally successful, struggle to secure its freedom to govern itself. That great victory was won under the banner of *libertas ecclesiae.* America is not Europe, and Frank Keating is not Joseph II. Observers with a sense of history and some grasp of the department of theology called ecclesiology, however, may discern interesting similarities.

The embarrassing pusillanimity of the bishops in Dallas, discussed in the last issue, is likely to produce other troubling consequences. Already lay agitations—directed by familiar dissenters who are now joined by some of the confusedly angry faithful—are newly energized in a campaign to "democratize" the Church along the lines of Protestant denominationalism based on congregational government. While trying to build a national movement, and doing so with some success, the epicenter of this effort is Boston, where leaders are working with the professional agitators (they consider the term a compliment) associated with the Industrial Areas Foundation, or IAF. (For a reflection on the goals and tactics of IAF, see "The Uses of Confrontation," Public Square, April.)

While worried about some unanticipated repercussions, many bishops may feel gratified that the Dallas exercise in damage control, choreographed by hired public relations experts, has taken the scandal off the front pages. Not off all the front pages, to be sure. To get your mornings off to a stomach-churning start, you can click on www.poynter.org for a daily listing of scandal-related stories in papers around the country. But after Dallas it is not the story it was. For the time being. According to the count of the *Boston Globe,* it was the second most heavily reported story of the past year, next only to September 11 and the war on terrorism. It will almost certainly pick up again. Hundreds of civil and criminal cases go to court in the months ahead. They involve some very big defendants, such as the Archdiocese of Los Angeles, which may soon challenge Massachusetts for the title of trial lawyer's paradise. It continues to be more than possible that in the next year we will see a bishop or two, or more, in jail.

In the last issue, I described how the bishops, in what can only be called their fearful abdication of

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responsibility at Dallas, managed to sin against both mercy and justice. One reporter quipped that the headline following the Dallas meeting should have read, "Bishops Do What We Told Them to Do." That, unfortunately, would have been accurate enough. Under a relentless media assault, they hastily abandoned the native language and practice of the Church of Christ for the alien vocabulary of "zero tolerance" and "one strike and you're out." Already more than two hundred priests have reportedly been removed from ministry on the basis of claims, frequently vague and unsubstantiated, about something they did, usually in the distant past. I have received a surprising number of messages from readers protesting my argument for mercy and justice, especially my argument for mercy. Don't I know that Jesus said such scoundrels should have a millstone put around their neck and be tossed into the sea? Yes, I know. So maybe we should pass a law that anyone charged with the sexual abuse of minors is to be promptly drowned?

Of course there must be zero tolerance of sexual abuse. How many times does that have to be said? As John Paul told the cardinals and bishops in their April meeting in Rome, people who would harm the young have no place in the priesthood or any other ministry of the Church. Period.

Even if a once wayward priest poses no danger to children, it would seem that there are some offenses so heinous, so repugnant to common sensibilities, that if committed only once, and no matter how long ago, they would preclude the exercise of ministry. The priest is an icon who acts "in the person of Christ." If, for instance, it was publically known that a priest had, no matter how long ago, sodomized a ten-year-old boy, that icon is irreparably shattered in the perception of most of the faithful. Ontologically, of course, he remains "a priest forever." He may be a forgiven sinner and, transformed by grace, even a saint, and there are many good things he can do in service to Christ and his Church. But the egregiousness of his offense is an insurmountable obstacle to his effectively representing, in the eyes of the faithful, the priesthood of Christ. In the above instance and perhaps in others—homicide, dealing in drugs, or abetting an abortion—the icon is in terms of ministerial effectiveness, although not in sacramental reality, irreparably shattered. One can argue that this should not be the case. Against the Donatists, St. Augustine argued for the continuing ministry of those who had committed the ultimate offense of denying Christ in times of persecution. But then there are times when an argument aimed at magnifying grace results only in magnifying scandal. This is such a time.

My objection, and the objection of many others, is to an ill-considered and hastily enacted policy that violates justice by making a law of retroactive application, by removing the presumption of innocence, and by denying due process to the accused. The same policy, in direct contradiction to the Pope's direction in the April meeting, violates the fundamental teaching and experience of the Church with respect to forgiveness, conversion, repentance, and amendment of life. The bishops in Dallas called it a Charter for the Protection of Children and Young People. It is that, in part. In larger part, it is a tactic for getting the bishops off the media hook. Temporary escape is purchased at the high price of scapegoating priests to whom the bishops are called to be fathers, and of resigning a large part of their apostolic responsibility for governing the Church. The bishop is charged with the discipline and care of his priests. Abandoning their care cannot be the right answer to having failed in their discipline. At the time, many bishops said they were voting for the Dallas plan with an uneasy conscience. I expect the more reflective among them are now having long and troubled second thoughts.

The Missing Gospel

In all this, there is shame upon shame. I believe future historians will record that the greatest shame of Dallas is that—when it came to the crunch in a time of crisis, when the eyes of the world were upon the Church in a way truly unprecedented—the leaders of the Church failed to articulate the gospel of Jesus Christ. The failure was in both words and actions, inviting the inference that, in the real world of public relations and damage control, the gospel of Jesus Christ is not relevant. The great issues before the bishops were sin and grace, justice and mercy, and the call to faithful discipleship. They are issues about which the Church of Jesus Christ presumably has a distinctive way of speaking and acting. They are not issues of great concern to most people in the media, but they are the issues that ought to be of greatest concern to the Church. That did not appear to be the case, and some may pardonably conclude that it did not appear to be the case because it was not the case. The media precipitated Dallas, the media intimidated Dallas, the media controlled Dallas. The bishops did what they were told.

Consider again the definition of sexual abuse that the bishops borrowed from their episcopal brothers in Canada, who in recent years have had even greater troubles over raging sexual malfeasance: "Sexual abuse includes contacts or interactions between a child and an adult when the child is being used as an object of

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sexual gratification for the adult. A child is abused whether or not this activity involves explicit force, whether or not it involves genital or physical contact, whether or not it is initiated by the child, and whether or not there is discernible harmful outcome."

There are certified experts who claim that one out of four girls and one out of six boys are sexually abused, usually by an adult family member or relative. By the Canadian definition, that seems plausible. There are also experts who agree with radical feminists that a majority of American women have been raped at some point in their lives, whether they know it or not. That, too, is plausible, if one employs an expansive enough definition of rape. The key phrase in the Canadian rule is "sexual gratification." But who is to say whether sexual gratification is involved, however subliminally? It is a deeply dumbed-down psychology or moral theology that would deny the pervasiveness of the erotic in human interactions. The unlimited elasticity of the Canadian rule is such that a substantial minority, if not a majority, of adults might be deemed guilty of sexual abuse. Almost all the current scandals, however, have to do with sexual acts between adult men and postpubescent or older teenage boys. It should not be necessary to give graphic descriptions of what is meant by sexual acts. They are what sensible people mean by sexual abuse, for which, they rightly insist, there must be zero tolerance.

Consider this application of the Canadian rule. Almost twenty years ago a priest in the midwest was ministering to a family whose father had just died. The fourteen-year-old daughter was utterly distraught, sobbing that God did not care. The priest, with the mother present, held the girl in his arms, assuring her, "It isn't true. God loves you. The Church loves you. I love you." I expect every priest or minister has done that more than once. As have doctors, teachers, fathers, uncles, and innumerable others in similar circumstances. They are comforting, they are caring, they are trying to help. The girl in question has subsequently led a most unhappy life, with two divorces, multiple affairs, and a serious drug problem. She has now charged the priest with sexual abuse, citing that embrace of almost twenty years ago. The priest, a beloved parish pastor, has been publicly shamed and removed from ministry, for the rest of his life. The bishop says he acted reluctantly, "But Dallas gave me no choice." In other words, "Dallas made me do it." Such is the product of panic.

As of this writing, the report is that more than two hundred of the 46,000 priests in the country have been removed from ministry. It is possible that many, perhaps most, of them should be removed, but the worry about justice grows, and is evident across the usual divides. Well before Dallas, the leftist *National Catholic Reporter* saw what was coming and editorialized, "Now, under the hot, bright lights of the East Coast media, church authorities look bewildered and panicked as they attempt to show they are dealing with the issue in solid fashion. Where they once shielded priests, they now feel compelled to rush to the other extreme, providing no access to due process for them either in the Church or the courts." "Why are you so concerned for the abusers rather than the victims?" a reader writes. That quite completely misses the point. There is no "rather than." Our concern must be for the boys (and, as sometimes happens, the girls) who are abused, for they are the most vulnerable members of the flock. And for the abusers, who continue to be brothers in Christ. And for the innocent who are falsely accused. All of which is to say that our concern must be for the integrity of the Church as it is constituted by, and accountable to, Christ. Admittedly, attending to all these concerns at the same time is no easy task. The dismal failure of Dallas must not be accepted as the last word. The bishops, who are chiefly responsible for the crisis and for its resolution, must find a better way.

Almost unmentioned in the public discussion to date is what will happen with offending priests in religious orders. About one-third of the priests in the U.S. are members of religious orders, many of them working in parishes and other pastoral ministries. The superiors of the orders were not party to the Dallas deal, and it is clear that most of them will not go along with it. It is no secret that some orders have a much higher incidence of homosexual priests, and possibly a higher incidence of sexual abuse, than is the case among diocesan clergy. (The best estimate seems to be that one to two percent of all priests are likely abusers.) Viewed more positively, orders typically have a greater sense of solidarity with, and responsibility for, their weaker brethren. Unlike diocesan clergy, members of orders take a vow of poverty and most of them are totally dependent upon their community, also economically. The superiors will not adopt a rule of "one strike and you're out," and they have the opportunity to demonstrate to the bishops that there is a better way---a way that combines justice, mercy, and zero tolerance of abuse.

All Our Children

The eminent lay moral theologian Germain Grisez wrote a long and thoughtful memorandum for the bishops prior to Dallas. If it was read, it had little effect. "The crisis that began in January 2002 is not about sexual abuse," Grisez wrote. "It is about some bishops' behavior over many years: they tolerated

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clerical sexual offenses and even seemed to facilitate them, covered them up, made untruthful statements when cases came to light, and persistently evaded their responsibility for what they had done and failed to do. . . . The degeneration of priestly fraternity into self-serving clerical solidarity and the prevalence of managerial concerns over authentic pastoral charity are systemic evils."

Grisez notes that lay people expressed puzzlement that bishops did not evidence impassioned outrage when the children of the Church, for whom the bishop is to be a father, were maltreated. He suggests that a false clerical solidarity "blinded bishops to the victims." "Of course, they were visible, but they were tiny, nebulous, and marginal. Clerical sexual offenders, by contrast, were big, solid, and near the center of the bishops' field of vision." This is pathetically illustrated by Bishop Joseph Imesch of Joliet, Illinois. A lawyer involved reports that during a deposition in a civil law suit, the bishop was asked, "If you had a child, wouldn't you be concerned that the priest they were saying Mass with had been convicted of sexually molesting children?" The bishop responded, "I don't have any children." But of course they are all his children. (One notes that a 1996 pastoral letter issued by the national bishops conference, which was both celebrated and protested for being "gay-friendly," was titled *Always Our Children.*)

In addition to their own national review board, the bishops are now relentlessly monitored by several organizations of "victim/survivors." (The play on "Holocaust survivor" has struck some observers as unseemly.) Nobody should downplay in any way the real wrongs done many years ago, and their possible long-term consequences. Nor should we ignore the fact that these victim organizations are led by activists following a time-honored American tradition of seizing upon a legitimate grievance in order to advance a cause. Every time the Church addresses the issue of sexual abuse—whether it be an individual bishop or the Pope speaking to the World Youth Day in Toronto—reporters reflexively turn to representatives of these victim organizations and ask if they are satisfied. They are not likely to get the answer, "Yes, we are satisfied. We are laying off our staff, dismantling our websites, returning millions of dollars in contributions, and congratulating ourselves on a job well done." To say that victim organizations have an institutional interest in keeping the scandal at full boil is not to criticize them. Every such organization has an institutional interest in the grievances that brought it into being. That is as true of the ACLU and the Anti-Defamation League as it is of the Catholic League. Moreover, victims are understandably reluctant to surrender their Warhol-apportioned fifteen minutes of fame. Convinced, as many of them are, that what was done to them and others was all-destroying, they feel they have a moral duty to maintain their protest at fever pitch.

An Idea With a History

Outrage is both legitimate and necessary, but unbounded outrage lends itself to distortions and hysteria. The understanding of the seriousness of the present crisis should not be muddled by disputes over whether claims of injury are sometimes exaggerated. Of course they are, and not infrequently. Michael Bailey, professor of psychology at Northwestern University, has first-hand experience with those abused by priests. The accuser or plaintiff is typically in his thirties or forties and has had a life filled with truancy from school, poor social relations, and erratic employment. "In all these cases," writes Bailey, "the plaintiff reaches the same conclusion with the help of his therapist or his lawyer: the abuse caused all problems. Healing, he is told, depends on suing. Given the monetary incentives, he complies. But it often turns out that the abuse explanation is filled with holes. The poor school performance predated the abuse. For years before the abuse, he related poorly to his peers. In some cases, the problems the plaintiff attributes to sexual abuse are more plausibly due to nonsexual physical and psychological abuse in his family, or to bad genes. And yet the abuse is singled out as all-explanatory and as a basis for seven-figure awards. This occurs because sexual abuse is sensationalistic, all-explaining, and financially enticing. This itself is a form of exploitation. Unfortunately, the current climate encourages the suspension of any critical scrutiny regarding claims concerning the universal and extreme harmfulness of childhood sexual abuse."

As he undoubtedly knows, Prof. Bailey is on dangerous ground here, making himself a prime target for the charge of "blaming the victim." It is a charge that the victim organizations routinely employ. Bailey is trying to counter widespread, and sometimes self-serving, hysteria with a modicum of calm deliberation and simple honesty. In today's climate, to indicate the slightest skepticism about "the universal and extreme harmfulness of childhood sexual abuse" is also to lay oneself open to the accusation of sympathizing with the homosexual advocates of "man-boy love" and "intergenerational sex." In the case of Prof. Bailey and others who are trying to restore a measure of clear thinking, that is a vile slander that should be forthrightly condemned.

Clear thinking and honesty also requires a word in defense of the bishops, as unpopular as that may be at present. For all that bishops have done wrong, they are usually not wrong when they say that they acted in

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accord with the expert opinion available at the time. Dr. Joseph Davis, a sociologist at the University of Virginia, reminds us that ideas about the sexual abuse of children have a social history. In the late 1930s and again in the late 1940s, there was intense outrage over a number of highly publicized sex crimes and states passed draconian and ill-defined "sexual psychopath" laws aimed at predatory sexual offenders. The 1960s brought a campaign against such laws, which was part of a movement against the commitment and forcible treatment of mental patients. In the 1970s, the pendulum was given a swing in the other direction, mainly by feminists leading the "anti-rape" movement, joined by some child protection advocates. In its extreme form, the anti-rape activists contended that heterosexual intercourse is typically a form of rape, and most women are rape victims whether they realize it or not.

In this everybody-is-a-victim (except white and straight males) ideology, it was argued, writes Davis, "that the [1960s] view of the child victim was morally flawed by a victim-blaming approach. Using the model of physical child abuse, which was already established as a social problem, they reframed the victim category as *pure victim*. . . . Sexual abuse was a thoroughly moral category. It denoted a status of complete ethical innocence for the victim and it indicated injury. To have been sexually abused was to have been psychically harmed as a child, and typically in ways that persist into, and are even magnified in, adulthood. Hence the notion of 'survivors.'" This constituted a major change.

In the 1968 case *Millard v. Harris*, U.S. Judge David Bazelon stated that the confinement of a compulsive exhibitionist was scarcely justified on the grounds of "harm" because the behavior affected only "unusually sensitive women and small children." As late as the mid-seventies, the standard psychiatric textbooks either scarcely mentioned pedophilia or emphasized that it was typically a one-time activity. The second edition of the authoritative *Comprehensive Textbook of Psychiatry* has a short section on pedophilia, including this: "The pedophile is usually visualized as the 'monster on the corner' who is ready to pick up innocent children. . . . However, by far the greatest amount of pedophilic behavior is in families or among friends and neighbors. Often it is a one-time activity." The 1978 *Harvard Guide to Modern Psychiatry* does not even mention pedophilia. The much respected priest-psychologist Benjamin Groeschel says that, in all the years he studied psychology in the sixties and seventies, he never once heard the word.

But now "everybody knows" that pedophilia is an incurable disease, that the diseased are incorrigible predators, and that there is no such thing as a "one-time" offense. That is where the pendulum of established opinion is this season. With respect to many, if not most, of the scandals that have come to public attention recently, the fact is that bishops were acting reasonably and responsibly on the expert opinion of the time. This is not to say that bishops were not complicit in the various wrongs mentioned by Grisez above, but they should not be blamed for believing the certified experts who denied the "universal and extreme harmfulness" of childhood sexual abuse and the inevitability of recidivism among offenders. In many cases, bishops undoubtedly acted in good faith. (Although, then as now, they acted in uncritical obeisance to psychological expertise. See the discussion of "the triumph of the therapeutic" in the Public Square of the June/July issue.) In many cases the bishops also acted in good faith, if mistakenly, in paying "hush money," which is more accurately described as conditioning an out of court settlement upon a confidentiality agreement—an everyday practice in the corporate, medical, and other worlds. In many cases, too, they acted in good faith in reassigning priests who, they were expertly assured, had been cured. In many cases.

The *Dallas Morning News* examined available records on the 194 dioceses of the country and concluded that two-thirds of the bishops heading them have been involved in the practices now, in retrospect, so roundly condemned. That retrospective judgment is, I believe, unfair. It is the case that some bishops have committed heinous acts that are both gravely sinful and seriously criminal. Some of them facilitated or covered up such acts committed by others. A few of these bishops have resigned and I expect more will. It appears that most bishops failed to respond pastorally to those who were abused. It is the case that many, if not most, bishops have been complicit in tolerating or fostering widespread and institutionalized dissent from the Church's teaching, including the Church's teaching on sexuality, and especially on homosexuality. The result is an ambiance of moral laxity and infidelity without which the present crisis could not have happened. And it is the case that at Dallas the overwhelming majority of bishops—only thirteen voted no—adopted a course of action that is, I am convinced, incompatible with justice, mercy, and pastoral responsibility, and that has severely confused and crippled the exercise of the apostolic office to which they are ordained.

What the Bishops Have Created

This brings us back to Governor Keating and the National Review Board. It has twelve members with a "core group" of four. The much respected Mary Ann Glendon, professor of law at Harvard, was asked to serve on the board. She declined, explaining her

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reasons in a memorandum which I cite with permission. In the memorandum, Prof. Glendon expresses her concern about a number of public and "injudicious" statements by Keating "creating the impression that bishops will be held accountable to lay people and otherwise confusing the distinction between advice and governance." In fact, Keating has been reported as saying, "Martin Luther was right," although it is not clear exactly what he thought Luther was right about. He has also said that it is the job of his board to root out "corrupt" bishops. On the very public op-ed page of the *New York Times* he wrote, "I envision the commission as apart from the conference of bishops, answering first of all to the laity we represent. We will coordinate with local parish and diocesan councils to ensure that the voice of the laity is heard."

In fact, the National Review Board was created by the bishops and its members are appointed by the bishops, with the mandate to monitor diocesan compliance with the charter adopted at Dallas and report its findings to the conference of bishops. It is from beginning to end, at least on paper, an instrument of the bishops conference, designed to do what the bishops believe they are not trusted to do, and apparently do not trust themselves to do. At least that is how it was in its beginning; how it will end nobody knows. The bishops have put themselves in the bind of creating a board that is to serve them but may well turn against them, and, if they are perceived as trying to control the board, a new media firestorm is a certainty. In any event, and contra Keating, the board is in no way "apart from" the bishops, nor is it to be "the voice of the laity," competing with activist groups such as "The Voice of the Faithful" whose denominational rallying cry is "Take back our church!"—forgetting that the Church is not ours but Christ's, and Catholics believe that Christ intended that it be governed by bishops.

Acquiescing in the judgment that they are not morally credible, the bishops cast about for leadership that is held in highest public esteem. As odd as it may seem, they decided that politicians and lawyers fit the bill. In addition to Keating, there is Robert Bennett, champion of Bill Clinton in his battle against charges of low crimes and misdemeanors. As Prof. Glendon notes, Bennett has no conspicuous record of devotion to the Catholic cause. Then there is Leon Panetta, Bill Clinton's chief of staff and aggressive defender of abortion on demand, including partial-birth abortion. Other appointments are similarly dubious, along with one or two of real credibility, and a handful of unknowns.

Oh, yes, there is Michael Bland, a psychiatrist, former priest, and victim of childhood abuse. The victim organizations, interestingly, are on record as protesting Bland's inclusion because, despite his experience of abuse, he is still an observant Catholic. The mark of being authentically concerned about abuse, we are given to understand, is that one is alienated from the Church. Governor Keating says that Bishop Wilton Gregory, president of the bishops conference, had suggested a larger board that would include non-Catholics. "We felt it was important that the Catholic Church—and one out of four Americans is a Catholic—heal itself and not call upon outsiders to do so," said Keating. The members of the board will be Catholic, even if, in some cases, marginally or dissentingly so.

Was it only a few years ago that the bishops issued a forceful statement that public figures who oppose the Church's teaching on abortion should not be given a platform or positions of responsibility in church institutions? Now prominent pro-abortionists have been elevated by those same bishops to the position of overseeing the episcopal governance of the Church. We should not be surprised that some pro-life Catholics are saying that, come the crunch, the tactics of public relations trumped the bishops' devotion to the gospel of life.

There are other, and very big, problems. Prof. Glendon writes: "I think you can see from the foregoing why I fear that the bishops may not have informed themselves adequately concerning whether the members of this important board understand and accept the Church's basic teachings on ecclesiology, the role of the laity, and human sexuality. I also wonder whether they have carefully considered the likely role of the politicians: they are well-known public figures with ready access to the national media and they are intensely concerned with their public images. Thus the risk that they will wish to cast themselves as policing the Church is high, and may affect their ability to be impartial. Indeed, it is hard to imagine them casting themselves, or allowing themselves to be perceived, as defenders of the Church. That being so, even if my participation were not precluded by other commitments, I would be most hesitant to accept the invitation to serve. I would not only fear that I would be part of a very small and ineffective minority, but that my presence might be used to lend an appearance of diversity, or—even worse—that my membership might lead some people to believe that I approve of activities that may turn out to be harmful to the Church."

Political Stratagem(s)

At the end of July, the National Review Board met with victim organizations, and that was followed by a press conference with Bishop Gregory. Governor

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Keating allowed, and Bishop Gregory agreed, that the board was not authorized to discipline or remove bishops directly, but it had other means at its disposal. The board would be making a report on bishops who failed to comply with the Dallas plan, and, as Bishop Gregory put it, "No bishop would want to see his name on that list." He expressed his confidence that also those bishops who voted against the plan or abstained on the vote (about 15 percent of the bishops did not vote for it) would comply rather than risk public embarrassment. The media, he noted, would make sure that there would be such embarrassment. Such is the threat by which it is proposed the bishops will "rebuild trust" in their leadership. (*Webster's*: "blackmail—extortion or coercion by threats esp. of public exposure or criminal prosecution.") So in a time of crisis, who is in charge of the governance of the Catholic Church in the U.S.? Certainly not, or so it seems, the bishops. The National Review Board—responsive to victim activists and representing "the voice of the laity"—will issue a report card on the bishops, and a bad report will have severe consequences. As with the beginning of the crisis, so now it is structurally entrenched that the final judge and jury are the media. Such is the radical change in status and responsibility of the episcopal office in which the bishops have, knowingly or not, acquiesced. The work of the review board will apparently not be finished when it issues its report card on episcopal behavior. Asked how long the board will stay in business, Gov. Keating indicated that it will be needed as long as it is evident that the bishops are in need of supervision.

In terms of ecclesiastical politics (usually not an edifying subject), the national conference of bishops (USCCB) has much to gain in this arrangement. While it may be surrendering episcopal authority more generally, the conference is gaining a large measure of long-sought power over individual bishops in their dioceses. Going way back to the early years of the late Joseph Cardinal Bernardin of Chicago, major players in the conference have worked to put it in the position of speaking and legislating for the Church in America. This has been resisted by some bishops who, with the support of Rome, have insisted upon the traditional Catholic teaching that the bishop is the head of "the local Church," meaning the diocese. Now, operating through the National Review Board, the bishops conference will, like the Lord High Executioner in Gilbert and Sullivan's *Mikado*, "have a little list" with which to bring recalcitrant bishops into line—on the disciplining of clergy and, in principle, on anything else of consequence. How Rome will respond to these dramatic transformations in Catholic ecclesiology is still to be seen. As I discussed in an earlier installment, if Rome vetoes this or other aspects of the Dallas plan, it is possible that the media criticism will be directed away from the American bishops and toward the Vatican, which might suit some bishops just fine. Bishops who make no secret of wanting greater independence from Rome tend to be those who favor expanding the authority of the USCCB, a goal that would be served by cooperating in the portrayal of Rome as using its heavy hand to prevent the American bishops from doing the right thing. Nonetheless, as of this writing there is reason to believe that the Holy See will not accept the Dallas plan as presented. The intention is to work with the U.S. bishops in crafting a response to the crisis that conforms to the requirements of justice and mercy—and, not incidentally, to the Church's doctrine and discipline. We shall soon see.

The politics of the USCCB and Rome's response aside, the consequence of the Dallas plan is that the bishops have in important respects surrendered their office. They have not the right to do that, and they probably did not intend to do that, but they did it. It would appear that there is not in the American episcopate anyone with the stature—or, if anyone has the stature, then the inclination or courage—to call them back to the exercise of the responsibilities for which they were called by God, ordained by the Church, and respected by the faithful. In their partial but far-reaching abdication, they have opened the way for the laicizing of church leadership under a national review board run amok, for increased defiance of bishops by priests and parishes who no longer trust them, for newly energized agitations to remake the Catholic Church in the image of liberal Protestantism, and for, not inconceivably, schism. Maybe Rome will effectively call the bishops back. Maybe not. Maybe God will spare us the most dire consequences of what was set afoot at Dallas. Maybe not. Meanwhile, we must be braced for a rough ride in the months and years ahead.

The Courage to be Catholic

Just in time, George Weigel, author of the papal biography *Witness to Hope* and regular contributor to these pages, has come up with a bracing tonic that I most warmly recommend. *The Courage to be Catholic: Crisis, Reform, and the Future of the Church* is now out from Basic Books and available everywhere. Carefully and convincingly, Weigel explains what went right and what went wrong following the still unimplemented Second Vatican Council, which is the necessary background for understanding the present crisis. Why did many thousands of men abandon the priesthood, and how does that connect with the "clericalizing" of

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the laity by the multiplication of "ministries" that dilute the distinctive identity of the priest? He has some provocative, if painful, answers to that question and many others. He provides a chronological commentary on developments leading to the present crisis, and fresh insight into the "Truce of 1968" when Rome failed to back bishops who were prepared to discipline those who publicly rejected the encyclical *Humanae Vitae*, thus institutionalizing the "culture of dissent" and creating the myth that rejection is "loyal opposition."

Weigel surveys the various, and often contradictory, interpretations of Vatican Council II, and casts new light on John Paul II's efforts to implement the Council—efforts sometimes resisted, but more commonly just ignored, by many of the American bishops, notably by some of the most active in the politics of the national conference. Weigel is a lifelong student of the Catholic Church in this country and elsewhere; he has a firm grasp of the dynamics and players driving the national conference and the episcopal fraternity. He gained unprecedented access in writing the biography of John Paul, and has an intimate knowledge of the papacy and its supporting—and frequently obstructing—Curia. His narrative of Rome's responses to the current crisis, and especially of events surrounding the April meeting with the Pope, provides a unique and sometimes disturbing insight into how the Church is governed today.

As the subtitle indicates, *The Courage to be Catholic* is much more than "insider" journalism. Weigel lays out a course of reformation in everything from catechesis and liturgy to the formation of priests and the ways in which bishops are chosen. It is a reformation that, he persuasively argues, was mandated by the Second Vatican Council and has been tirelessly advocated by John Paul II. Out of the evils that created the present crisis, God may be working the great good of an irrepressible sense of urgency in implementing, at long last, the authentic and thoroughly *Catholic* reformation for which the Second Vatican Council called. A great strength of Weigel's book is that he understands that the present crisis, and the crisis of the last thirty-five years, is, above all, a crisis of fidelity. For the Church of this time and every time, the question is that of Luke 18: "When the Son of Man returns, will he find faith on earth?"

Form and Reform

Which brings us back to Christ, and how Catholics believe he formed his Church, and how, therefore, the Church must be reformed. In that understanding, the bishops are the successors to the apostles, with and under the successor to Peter. That understanding was not reflected, that understanding was gravely compromised, at Dallas. The bishops cannot restore their credibility by abandoning their responsibility. Dallas cannot be the final word. Somehow, the bishops must recover their nerve to be bishops, rather than the frightened CEOs they have made themselves appear to be—scurrying to follow scripts written by public relations experts, lawyers, and related masters of damage control. They must accept, as the bishops that they are, responsibility for what went wrong, and for putting it right. What went wrong is the entrenchment of patterns of infidelity—evident also, but not most importantly, in sexual infidelity and related abuse—and it will not be set right without the courage to be found only in conversion.

The bishops should meet again, and soon. Not under the auspices of the national conference with its built-in bureaucracies and biases, but freely, as heads of the local churches they are called to govern. Not in a posh hotel in order to get through a predetermined agenda on schedule, but in a monastery or retreat in order to pray and deliberate. Not under Robert's Rules of Order with a few minutes allotted for disjointed interventions terminated by the flashing of a red light, but under the guidance of the Spirit in a way conducive to conversation in depth, and to the making and hearing of arguments. Not to adopt guidelines and procedures, but to wrestle with truth revealed. Not under the glare of the media, but alone with one another, and with God. Not for two or three days, but for as long as it takes. Maybe for a month, and then, later, for another month. Do they have anything more important to do than to recover their credibility and authority as bishops of the Church of Jesus Christ?

The goal would be to act on the invitation, and to follow the example, of John Paul II in fully embracing, fully teaching, and fully implementing the Catholic reformation of the Second Vatican Council. The result of such an extended period of prayer, deliberation, conversion, and resolve might be a renewed confidence that the Church has bishops again. It might instill a measure of courage in contending for the recovery of *libertas ecclesiae*, the right of the Church to govern itself. It might prepare the bishops to lead in showing the world that there is a distinctively Christian, and Catholic, response to sin and grace, justice and mercy, and the call to holiness. All these are matters not unrelated to the question of whether, when the Son of Man returns, he will find faith on earth.

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Political Blasphemy

It lasted but a moment, but while it lasted it was political theater to be relished. The wondrously eccentric U.S. Court of Appeals for the Ninth Circuit—more precisely, two members of a three-member panel thereof—discovered that the phrase "under God" in the Pledge of Allegiance is *unconstitutional*. The judges sided with Michael Newdow, who had complained that his daughter is injured when forced to listen in public school to the assertion that there is a God. One story said that, in fact, the daughter regularly joined in the recitation of the pledge and was embarrassed by her father making a big stink about it. Never mind, the judges know the coercive establishment of religion when they see it.

Well, within hours the entire political order, from left to right and from dogcatcher to President, exploded in outrage at the Ninth Circuit's political blasphemy. In Washington, both houses promptly passed unanimous resolutions condemning the decision, after which our national leaders marched to the capitol steps to sing "God Bless America" and recite the Pledge of Allegiance, with voices raised to full-throated patriotic pitch at the words "under God." It took Jerry Falwell all of thirty minutes after the announcement of the court decision to declare that he was launching a campaign for a million signatures in protest against it. That seemed an exceedingly modest goal. A moral entrepreneur of greater imagination might have set a goal of 100 million signatures, with the assurance that the millions of contributions received would be spent in reaching the 180 million patriotic laggards. Sometimes nothing short of unanimity will do, or at least virtual unanimity, recognizing that the Ninth Circuit, Mr. Newdow, and Paul Kurtz's American Humanist Society are beyond hope.

Once our leaders had put on the record their wholehearted devotion to the proposition that ours is a nation under God—a proposition to which, judging by the public evidence, most of them had never before given a moment's thought—they felt much better about themselves and went back to business as usual, confident that the decision of the Ninth Circuit, which has a commanding lead in the judicial silliness sweepstakes, would, one way or another, be promptly negated. Political theater aside, the Ninth Circuit's provocation obviously struck a central nerve in the body politic, revealing the inchoate but powerful popular conviction that the phrase "under God" says something indispensable about the way Americans want to understand their country.

Above All That

Most Americans, that is. For a different take on the dust-up, representative of a certain sector of elite opinion, one goes—but of course—to the editorial board of the *New York Times*. Eschewing the vulgar atheism of the Newdow-Kurtz eccentrics, the *Times* is offended by the Ninth Circuit's lack of good manners. People of better breeding understand that public expressions such as "under God" are simply not to be taken seriously. They are but scraps of sanctimony tossed out to appease the gullible masses, while their enlightened masters get on with the running of a thoroughly secular society. The editors sniffingly observe that the words were added to the Pledge of Allegiance in 1954, "at the height of anti-Communist fervor." Anything approaching fervor in opposing communism has always been in bad taste at the *Times*. The editors continue, "It was a petty attempt to link patriotism with religious piety, to distinguish us from the godless Soviets." How petty can you get. If you're reading the editorial aloud, remember that "patriotism" is said with a supercilious raising of the eyebrow, and "religious piety" with a slight but sufficiently contemptuous snarl. The editors, or at least some of them, probably know that an officially atheistic totalitarian regime murdered millions of its people because of their religious faith, but that was long ago, and even at the time was no excuse for getting fervent.

"This is a well-meaning ruling," say the editors, "but it lacks common sense." Read: The court has been dangerously imprudent in upsetting the natives. "A generic two-word reference to God tucked inside a rote civic exercise is not a prayer." The grammar gets sticky here, but presumably the editors mean that the God referred to in "under God" is a generic deity. That is not quite the case, of course. Hinduism and Buddhism, for instance, do not propose a God whom one would be under in the way the pledge says we are "under God." Religio-cultural context, plus indisputable legislative intent, indicate that "under God" is meant to refer to the God of biblical religion, meaning Judaism, Christianity, and (although it was probably not in the legislative mind at the time) its latter-day expression in Islam. As interesting is the editorial claim that the phrase is not a prayer. It is, they say, a civic exercise; to which one might respond that any prayer in the public square is a civic exercise, which does not mean it is any less a prayer. But perhaps the key to the editors' meaning is that the Pledge of Allegiance is "rote" exercise. The word "rote" denotes something done routinely, mechanically, or unthinkingly. Maybe that is the way the editors of the *Times* say the Pledge of Allegiance, if they say it. They

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do not explain why they think less extraordinary Americans say it that way.

Under Judgment

"We wish the words had not been added back in 1954," the editorial continues. "But just the way removing a well-lodged foreign body from an organism may sometimes be more damaging than letting it stay put, removing those words would cause more harm than leaving them in." The phrase "under God" is a foreign body, perhaps like a cancerous tumor, but it is safely contained and does not threaten to metastasize, so let it be. It would be nice to be rid of it, but surgery is dangerous. "The practical impact of the [Ninth Circuit] ruling is inviting a political backlash for a matter that does not rise to a constitutional violation." And even if it does, the editors want to save their powder. "Most important, the ruling trivializes the critical constitutional issue of separation of church and state. There are important battles to be fought over issues of prayer in school and use of government funds to support religious activities." The very next day, of course, the Supreme Court handed down the historic *Zelman* decision, declaring vouchers for religious schools to be constitutional. Now that, in the view of the *Times*, is a battle worth fighting, and the following day's editorial opposing *Zelman* was forceful; one might even say fervent. Fervor in the defense of secularism is no vice; aloofness in the battle for keeping the public square naked is no virtue.

I am glad that the words "under God" were added to the Pledge of Allegiance, and that they will almost certainly stay there. It is true that civic piety, like every other expression of piety, can be rote and empty. It can also be hypocritical. As I have said before, it used to be that hypocrisy was the tribute that vice paid to virtue, whereas now it is the charge that vice hurls at virtue. To say that ours is a nation under God is both a statement of theological fact and of moral aspiration. As a theological fact, it is true of all nations. As a moral aspiration, it is markedly—although perhaps not singularly—true of the United States of America. To say that we are a nation under God means, first of all, that we are under Divine judgment. It is also a prayer that we may be under Providential care. It is not a statement of patriotic pride, although many may think it is, but of patriotic humility. The reaction to the Ninth Circuit's decision was a salutary moment of public witness to the irrepressible popular intuition that, in the words of Lincoln, America is "an almost chosen nation." I do not expect the editors of the *Times* to understand any of this. To those of a certain mindset, the intolerable idea, the truly insufferable notion, is that they are under anything or anyone, even if that anything or anyone is no more than "a generic two-word reference."

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A HISTORY OF THEIR OWN

At the suggestion of a friend, I took with me for reading on the flight to Ukraine the popular new novel *Everything Is Illuminated* by Jonathan Safran Foer (Houghton Mifflin). It is a clever—at times overly clever—entertainment, and a remarkable achievement for a writer still in his early twenties. The story line is simple enough. A young American Jew with time on his hands is hanging out in various European cities and decides upon visiting the shtetl in Ukraine from which his family escaped, and some who did not escape were killed by the Nazis.

A large part of the book is composed of letters to the young hero, who is also named Jonathan, by a young Ukrainian, Alexander, whom he had engaged as a guide. Written in the aftermath of their ambiguously successful search for the shtetl, these letters are sometimes poignant but mainly humorous, and frequently hilarious, exercises in Alexander's efforts to master the English language in expressing his unbounded dreams of one day living in America and being rich like his friend Jonathan. Darker themes intervene with Alexander's grandfather, who accompanies them as driver in their search, and who harbors a terrible secret about what happened during the Nazi era. Interspersed between Alexander's letters, and moving with cinematic rapidity, are vignettes of the shtetl as it was in the late eighteenth century, in the 1940s, and is no more.

As I say, it is a clever entertainment, and provided a pleasant enough distraction from a long and tedious flight. Foer employs the usual tropes in depicting shtetl life in Eastern Europe—tropes made familiar by Isaac Bashevis Singer and treated more profoundly by the likes of Chaim Grade. One is at home again with God-obsessed and God-denying Jews aligned with rival synagogues of the observant and the skeptical, and consumed by intergenerational quarrels, most of which resolve around who copulated with whom, frequently with grotesque consequences. (Unlike most books in the shtetl genre, copulation keeps returning to center stage in this story. But then, unlike most authors of that genre, Mr. Foer is a very young man.) The historical vignettes include mysterious births,

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genealogical irregularities, and bizarre coincidences that are variously interpreted as miracles or evidence of ontological absurdity. Not included in *Everything Is Illuminated* is anything that might illuminate the reality of Ukraine, either past or present.

Mr. Foer's story could have been set in any part of Eastern Europe. In this depiction, there are but two realities—the shtetl and the Nazis. Goyim such as Alexander and his grandfather play a part, but only as they are related to the Jews of the shtetl and the Nazis. There is no hint that the gentiles may be part of a culture, a religion, or a people of their own. The non-Jews who make an appearance are, as it were, honorary Jews—until, that is, they betray Jews to the Nazis. I do not wish to make heavy weather of a book that is, after all, no more than a mainly light entertainment, yet it is of a piece with a large literature that distorts Western perceptions of Central and Eastern Europe and troubles many of the people of that part of the world who have lived through the great terrors of the century past.

Reviewing two other novels by Americans who knocked around the region, Adam Goodheart observes in the *New York Times Book Review*: "Other people's pasts: that's the only commodity in generous supply in post-Communist Hungary. . . . The Hungarians are also time-battered specimens, nicotine-stained survivors of wars and uprisings. Among such people, the young Americans seem weightless, almost immaterial. And the present itself has a quality of flimsy provisionality: not history itself but rather an interstice in history, a flickering blankness between movie frames. . . . For all their pretensions to something grander and more picturesque, they are nothing but tourists—not just in Hungary but in their own lives and in the world at large." "Neither novel," Goodheart concludes, "is really very European." And so it is also with Mr. Foer's book.

A Certain Puzzlement

For the last twelve summers in Krakow, Poland, I have been teaching in a seminar on Catholic social doctrine that brings together university students and junior faculty from America and Central-Eastern Europe. Each year I lecture on the Holocaust and Jewish-Christian relations, and each year the students visit Auschwitz, which is a little over an hour's drive from Krakow. The Holocaust, as most powerfully represented by Auschwitz, is Western culture's only available icon of absolute and undisputed evil. One can argue that there have been equal or greater evils in human history, but they are all, to one degree or another, in dispute. On the sane side of the fever swamps where dwell Holocaust deniers and flat earth proponents, nobody disputes or attempts to mitigate the evil of Auschwitz. Each year the students are manifestly shaken by their hours there. Some speak the next day of their nightmares following the visit; others cite the final words of Kurtz in Conrad's *Heart of Darkness*, "The horror! The horror!"

Yet the visit and the discussion of Jewish-Christian relations also provoke questions and objections unfamiliar to most of us in the West. Young Poles in particular deeply resent the widespread notion that Poles were somehow responsible for Auschwitz. They point out that Auschwitz was a Nazi enterprise established on what was then the territory of the Third Reich. They ask, "What about the millions of non-Jewish Poles who were killed in the Holocaust? Why do only Jewish deaths count?" Such objections bear no suggestion of anti-Semitism, which it is readily admitted was common, and is today not uncommon, among Poles and others in Central-Eastern Europe. The objections are marked, rather, by a certain puzzlement, a deep sense of unfairness, and a belief that the truth should be told.

A Polish graduate student spoke of her visit to the Holocaust Museum in Washington. The exhibition's failure (refusal?) to recognize the millions of non-Jews who were exterminated by the Nazis occasioned feelings of deep complexity. Her sorrow over what happened to Jews, she said, is in no way qualified by her disappointment over the nonrecognition of what happened to so many others. It is readily admitted that there is something unseemly and wrong about competing for victim status. But, these students insist, it is also unseemly and wrong to misrepresent that long night of horror by turning it into a simplistic drama in which the only parties appearing on stage are Jewish victims and Nazi victimizers, with everyone else cast in the role of indifferent onlookers or active, even eager, collaborators in unspeakable evil. What about the Polish dead, and what about the thousands of Poles who, as all scholars of the period recognize, risked their lives and the lives of their families in rescuing Jews?

Beyond an understandable resentment over their own people being slighted and slandered, these students are getting at a deeper problem in the conventional presentation of the Holocaust. The Holocaust is in many ways singular in the historical gallery of horrors, resulting in a tendency to place its inhumanity beyond the pale of humanity. The soul-shaking truth, however, is that such inhumanity is not beyond humanity. We human beings are capable of such horror, as we are capable of indifference to such horror, and as we are capable of heroic resistance to such horror. The engagement of all these capacities must be taken into account if we are to understand the humanness of the inhumanity that was the Holocaust.

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"We Do Not Have the Right . . . "

That Jewish survivors and their descendants should tell the story through the prism of their experience is perfectly natural, and for half a century they have done so with an intense productivity that is perhaps unmatched in the chronicling of any other period of history. Yet the resulting literature has by no means "illuminated everything." Each year I encourage the students in Krakow who feel deprived of a history of their own to write the biographies, novels, and plays that might convey to a world audience the experience of Poles, Hungarians, Czechs, Ukrainians, and others during the Nazi and Communist periods. This urging consistently meets with resistance. Some say that there are such accounts but they are not read except by a few who speak the language in which they are written. There is a pervasive feeling that the outside world is little interested in the experience of Central-Eastern Europeans. A further reason for reluctance, especially in discussing the Nazi era, is that telling their story would be construed as telling "their side" of the story against the dominant Jewish narrative. There is a widespread, and for the most part healthy, anxiety about doing anything that might be viewed as anti-Semitic. But perhaps the most interesting response to my urgings is the fear of shame, reflected in one student's summing up the discussion by saying, "We do not have the right to embarrass our families."

The Jewish story can be told, and typically is told, as a tale of unambiguous conflict between good and evil, with Jews cast as unambiguous victims. Writers such as Hannah Arendt, in *Eichmann in Jerusalem* (1964), pay a heavy price in terms of criticism for deviating from the standard account. The Krakow students are painfully aware that any honest rendering of the actions and inactions of their parents and grandparents during the Nazi and Communist periods would, to put it gently, not be entirely edifying. Moreover, the peoples of that part of the world—battered, beaten, crushed, and generally humiliated for centuries, mainly by Russians and Germans—have only in recent years reached a point of modest hope for peace, prosperity, and cultural self-respect. Isn't it better to forget about the tortured past and move on? One cannot help but have a measure of sympathy for that way of thinking, yet it is a great pity, for theirs is an important part of the universal human drama. It should be understood, and to be understood it must be told.

I write this in Krakow, after the days in Ukraine, and having talked again with our students upon their return from Auschwitz. Mr. Foer's *Everything Is Illuminated* is still on my mind, recalling the Holocaust books beyond number that one has read over the years, and bringing home the fact that there is still so much that is unilluminated. The students here are from a half dozen or more countries only recently freed from the evil empire of Soviet communism. They want it to be known that they have a history of their own, but it will not be known unless they make it known. I appreciate the desire to move on, to make the most of this moment of unaccustomed freedom, and the reluctance to embarrass the families and peoples they love is admirable. Yet the countless stories of their story must be told, for, finally, the history of their own is also ours. Unless they tell the stories, the next generation's understanding will be limited to, and distorted by, the tales of bright young westerners who are, as Adam Goodheart says, just tourists—not just in Central-Eastern Europe but in their own lives and in the world at large.

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REMEMBERING MARTIN LUTHER KING, JR.

I know it is a fact, but it is nonetheless hard to picture: had he lived, Martin Luther King, Jr. would now be seventy-three years old. Everybody of a certain age has memories, if only of television images; many were there when he spoke, others marched with him in Selma or Montgomery, and some of us were, albeit intermittently, drawn into his personal orbit. The last I count as one of the many graces of my life, and it no doubt explains why I read, almost compulsively, just about everything published about the man and the time. Now we have Marshall Frady's *Martin Luther King, Jr.*, the latest volume in the "Penguin Lives" series. It is a valuable addition to the many accounts we have of the man and the movement he led.

I am in the minority with my admiration for Ralph Abernathy's 1989 autobiographical account of the movement, *And the Walls Came Tumbling Down.* Abernathy was beyond doubt closer to King than anyone else. After the assassination, he took King's place as head of the Southern Christian Leadership Conference (SCLC), although he knew as well as anyone that he was no Martin Luther King. His book was harshly criticized for its candor about King's sexual vagaries, but other published accounts had been more explicit on that score. What I think got to many reviewers is that Abernathy refused to toe the line on the leftist ideology of the movement and even, in the early eighties, took a conservative turn, offering some favorable words on, of all people, Ronald Reagan.

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His gravest violation of conventional tellings is that he declined to see black Americans as a victim class oppressed by white racism, or to depict the movement as a response of revolutionary rage. As he told the story, King was a privileged son of the black bourgeoisie of Atlanta and he, Abernathy, was the heir of a tradition of black dignity in a rural Alabama he describes in almost idyllic terms. Abernathy was daringly "incorrect," and he paid a steep price for it. "Though slavery as an institution was wicked and foreign to the will of our Lord," he wrote, "it was not uniformly cruel and abusive. Some slaves, in the midst of their degradation, were treated with a measure of Christian charity, just as some prisoners of war have always been treated better than others. In the worst of circumstances, the human heart is still a mysterious variable."

His grandparents were slaves, but did not understand themselves to be victims. "In Marengo County during the first half of the twentieth century, the name 'Abernathy' meant integrity, responsibility, generosity, and religious commitment—and it came to mean that largely through the life and testimony of the *black* Abernathys. . . . So I feel no shame in going by a last name to which my father and mother brought such character and dignity. It was *their* name. They didn't just borrow it from a long-dead white man. They paid for it with their exemplary lives and therefore owned it outright when they passed it along to me."

Abernathy says that as a boy he was aware of racial segregation, but to him and other blacks in Alabama it was no big deal if the white folks wanted to have their own drinking fountains and a separate entrance at the post office. What did rankle is that white folk wouldn't call his father "Mister." The demand for white courtesy, and respect for the dignity that black folk knew they possessed—that was the issue in what came to be called the civil rights movement. That was the issue when Rosa Parks refused to give up her seat, a refusal that sparked the Montgomery bus boycott to which Abernathy recruited Martin Luther King, Jr., thus launching them both on a tumultuous course that they could neither anticipate nor control.

A Legacy Not Well Served

That is in largest part the story of *And the Walls Came Tumbling Down*: how a modest campaign for basic human decency somehow exploded into an out-of-control movement that, picking up a curious mix of causes and characters along the way, was perceived as a revolutionary challenge to the fundamental institutions and beliefs of the country and the world. Oddly enough, Marshall Frady's *Martin Luther King, Jr.* tells much of the story in the same way, although Frady tends to be condescending, at best, toward Ralph David Abernathy. Abernathy is described as "a stocky, slow badger of a man with a drowsy-eyed, drooping face but a droll and rollicking earthiness, who in their special comradeship over the years was to serve as something like King's Falstaff." At another point: "There was already, of course, the dutiful Abernathy, [King's] baggy, dolorous-faced, waggish Sancho Panza [who was] totally steadfast." It was easy to underestimate Abernathy, as I too learned. He did play the clown at times, but at times of crisis there was no one whose intuitive judgment King trusted more.

On the other hand, Frady has a high estimate of Jesse Jackson. In 1996 he published *Jesse: The Life and Pilgrimage of Jesse Jackson*, and in the present book he writes: "Jesse Jackson, after founding his own movement organization in Chicago, would eventually convert what was perhaps the largest victory of King's apostleship—the claiming of the vote for all blacks—into two surprisingly impressive guerrilla presidential campaigns in 1984 and 1988: as it turned out, this aide who came latest to King, and was perhaps most mistrusted by him, would come closest to developing into his heir as the single most eloquent symbol of pride and hope for masses of black Americans." All the worse for masses of black Americans, in the judgment of many. Frady attempts to excuse even Jackson's smearing of his shirt with King's blood on April 4, 1968 and then going on television to present himself as the anointed heir.

King mistrusted Jackson with good reason, and the following decades have vindicated that mistrust as Jackson has time and again acted as an opportunist, an ambulance chaser, and a publicity hound, who has skillfully exploited the memory of the movement by turning it into a lucrative extortion racket for shaking down corporate America. With a few honorable exceptions, such as Andrew Young, King's legacy has not been well served by those closest to him. While excusing Jackson, Frady is appropriately critical of Coretta and the children for their continuing efforts to tightly control and financially milk the relics of the martyr.

Days of Delirium

Frady captures well the exhilaration of the time. "The civil rights movement became the nation's latest attempt to perform in the South an exorcising of its original sin, and it turned out our most epic moral drama since the Civil War itself." All of us at the time had a dream of possibilities hitherto unimagined. For this young inner-city pastor in black Brooklyn, as for so many others, a new world was aborning. John XXIII

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was Pope, John F. Kennedy was President, and Dr. King had sighted the promised land of "the beloved community." As Wordsworth said of an earlier moment of tragically disappointed hope, "Bliss was it in that dawn to be alive, / But to be young was very heaven!" Frady puts it nicely: "They were days delirious with belief." I do not want to exaggerate my own delirium. After all, I was a Lutheran, attuned to "two-kingdom" skepticism about social change and steeped in Reinhold Niebuhr's understanding of the ironies of history. But, as much as a Niebuhrian Lutheran could be, I too was caught up in the epic moral drama.

The story line of the drama was challenged early on by young blacks high on the delirium of their own radicalism who derided King as "de Lawd" and had little patience with his devotion to nonviolence. SNCC, the Student Nonviolent Coordinating Committee, at first worked closely with King, but soon fell into the hands of violence-prone nonstudents incapable of coordinating anything, but masterful in generating rage. The cry of "Black Power" was heard in the land, and later would come the murderous Black Panthers. Stokely Carmichael, whom Frady describes as "the long lean black Robespierre," hijacked SNCC, declaring, "I'm not gonna beg the white man for anything I deserve. I'm gonna *take it*!" Frady writes: "Romanticism about the movement in the liberal salons of the North had begun shifting to its incendiaries like Carmichael, with their terminal cynicism about the efficacy of the ethic of nonviolence, their Malcolm [Malcom X] mentality of a final, bitter acceptance of the human condition as one of hopeless racial antagonism. What seemed to be happening everywhere around King, in fact, was something like the tidal ebbing of faith in Matthew Arnold's *Dover Beach*: a withdrawal to naked shingles of anger." In his devastating depiction of the liberal salons of the North, Tom Wolfe would write of the "radical chic" that has not yet disappeared entirely, and may never disappear, from what are deemed to be the commanding heights of the culture.

In an early (1970) book, *King: A Critical Biography*, David Lewis argued that King was much more of a radical than was generally believed. Lewis writes, and Frady quotes him approvingly, that in "the nation's canonization of Martin King . . . we have sought to remember him by forgetting him." Frady says that King's message "inexorably evolved into an evangelism against what he saw as the moral coma of the country's whole corporate, technological order: its loud and vicious void of materialism . . . and the measureless vandalism this new kind of high-tech barbarism was visiting not only on the life of America, but elsewhere in the world, most luridly at that time in Vietnam. In effect, he came to pit himself against his entire age." I am not persuaded that King ever came to a systematic endorsement of the kind of ideological radicalism that Lewis and Frady attribute to him.

Not So Radical

King was an exuberant rhetorician, and rhetoric has a way of getting out of hand. Frady gives due attention to King's dependence on Stanley Levison, a wealthy New York lawyer and wheeler-dealer, who dropped his membership in the Communist Party lest it become an embarrassment to King. The Old Left with its ties to communism was an integral part of much of what was viewed as mainstream liberalism in the 1960s. Even the more established liberal organizations that maintained an "exclusionary clause" against Communists did not take seriously the claim that communism posed a domestic threat. The great threat of the time was thought to be anticommunism, as evident in the rambunctiously reckless attacks of Senator Joe McCarthy and the catchall term of opprobrium, "McCarthyism." King's refusal to break with Levison, despite pressures from the FBI and others, indicates not that he was a Communist puppet or had embraced Marxist ideology but simply that he was a good liberal, although less scrupulous about—probably because less knowledgeable about—the Old Left with which more establishment liberals were so unhappily familiar.

King, writes Frady, "was to arrive in the end at a kind of Christian socialism of conscience, once professing to a friend, 'If we are to achieve real equality, the United States will have to adopt a modified form of socialism.'" But of course. Almost everybody in the left-liberal orbit of the time professed to be a socialist of one kind or another. King is quoted as saying at a private retreat of movement leaders that "something is wrong with the economic system of our nation . . . something is wrong with capitalism." The liberals at the time who did not claim to be socialist had no inhibitions in declaring themselves strongly opposed to capitalism. They were typically for a "third way" between socialism and capitalism. In those days, in those circles, actually affirming capitalism was simply beyond the pale. Frady quotes King telling David Halberstam, "You have got to have a reconstruction of the entire society, a revolution of values." Of course. What liberal preacher or politician has not said the same, and said it many times? Depending on what unhappy aspect of society is being deplored, conservatives frequently say the same.

In my movement days, I would, when feeling mischievous, observe that I was not and never had been a socialist. This would predictably meet with startled incredulity, and the discussion would inevitably turn to what is meant by socialism. I would

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usually end up by saying something like this: "If by socialism, you mean reforms in the political economy that help the poor to be more fully included in the opportunities and responsibilities of society, then I admit to being a socialist." This almost always met with great relief, my faux pas was forgiven, and I was restored to ideological communion. If the above formula is accepted as the definition of socialism, I'm very much a socialist today.

I do not for a moment deny that there were hard-core socialists, ideological Marxists, and, probably, even active collaborators with communism in the leadership of the movement. There is every reason to believe Dr. King knew that and he should have been more concerned about it than he apparently was. He thought he could use them, and he was probably at times used by them. But I am confident that he and his closest associates, such as Abernathy and Young, were not among them. His most radical program for change was the Poor People's Campaign launched in 1968. It was supposed to bring many thousands of people to encamp on the Washington Mall until the government agreed to expend an annual $30 billion in expunging poverty, committed itself to full employment, a guaranteed annual income, and the building of 300,000 low-income housing units each year. After his assassination in April, a bedraggled and dispirited SCLC tried to go ahead with the plan, ending up a few weeks later with a handful of supporters holding out in mud-besotted tents before federal rangers moved in to clear them out and clean up the mess. It was an inglorious ending to a misbegotten plan.

King's occasional rhetoric of "revolutionary" change and the proposals of the Poor People's Campaign do not, I think, support the claims of Lewis, Frady, and others that he was an ideological socialist, never mind a revolutionary in the Marxist vein. That was a time when radical talk seemed to be the mainstream. A few years later, George McGovern's presidential campaign would embrace most of the proposals of the Poor People's Campaign. McGovern was wrong, and he may have been dumb, but he was not a revolutionary bent upon overthrowing the constitutional or economic order. He was what was then de rigueur among most liberals—a "radicalized" liberal. So also with Martin Luther King.

By his own admission, Dr. King was by 1968 frustrated, tired, and confused. I recall conversations at the time when some were urging him to launch a presidential "peace campaign," or to join with Senator Eugene McCarthy in the challenge to Lyndon Johnson. He spoke about his uneasiness with the ambiguities of electoral politics in all its forms, and the need to recapture the uncomplicated moral drama of Birmingham and earlier campaigns in the South. In New York, a few months before his death, we had lunch, together with Young and Al Lowenstein, an activist who would later be murdered by one of his protégés, and King turned philosophical about the limits of political change. It was a leisurely and convivial lunch. The restaurant had been alerted that "the famous Dr. King" was coming, and the waiter assumed that the white man in the clerical collar must be he, and so throughout the lunch addressed me as "Dr. King." It both astonished and amused that one of the most famous people in the world was not recognized, and King enjoyed it immensely, taking the opportunity to smoke cigarettes throughout lunch, a regular habit that he usually indulged only in private. Among many other things, we talked about the abiding wisdom of Reinhold Niebuhr and the need to recognize the distinction between the morally imperative and the historically possible, agreeing also on the moral imperative to press the historically possible. It was the last time I saw him.

Disenchantments

I am surprised that the editors of the Penguin Lives chose Marshall Frady to do the book on Dr. King, or maybe it is they who are surprised by the book he wrote. Had this been the received picture of King in the years following his death, it is almost certain that his birthday would not be a national holiday. "The fact is," writes Frady, "King was always to fail more often than he would succeed." He rightly notes that the Montgomery bus boycott launched in 1956 did not prevail but was rescued by a federal court order. Six years later, "Birmingham had become the first clear, authentic victory, actually won in popular confrontation and struggle, for King's movement of nonviolent mass protest." After his emergence from obscurity in Montgomery, King had only twelve years to live, and it is fair to say that Birmingham was the only such victory. The effort to take the movement to the North, to Richard Daley the Elder's Chicago, was a disaster. King's courtly Southern ways did not resonate with the slum dwellers of the North. He was not angry enough. As he said, "You just can't communicate with the ghetto dweller and at the same time not frighten many whites to death." At that time, Malcolm X was exulting in frightening whites to death, and King looked moderate—i.e., weak—by comparison.

He led marches for housing desegregation through white neighborhoods of Chicago, meeting with outraged anger. At one point he said, "I have never seen so much hatred and hostility on the faces of so many people as I've seen here today." Frady writes, "He had in fact come up against the innermost reality of racism in America." The larger fact is that King had

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no plan for the racial integration of Chicago, nor did anyone else. Nor, except for a few mainly upper-income neighborhoods, has anybody come up with a successful plan for integrating housing to this very day. After Montgomery, King had said, "I'm worried to death that people will be expecting me to pull rabbits out of a hat for the rest of my life." A problem with Frady's account, it seems to me, is that he is among those who judge King by whether he succeeded in pulling rabbits out of a hat.

In his calculation of success and failure, Frady tends to be dismissive of the inherent worth of King's preaching, exhortation, inspiration. Every preacher who has been around a while finds consolation in the promise of Isaiah that "the word shall not return void." To preach well *is* success. I recall rallies when, in the course of his preaching, King would hold forth on the theological and moral foundations of the movement. The klieg lights and cameras shut down, only to be turned on again when he returned to specifically political or programmatic themes. "Watch the lights," he commented. "They're not interested in the most important parts." But as for the judgment that King finally achieved very little, Mr. Frady might recall his own statement that the chief consequence of King's legacy was securing the vote for all blacks. No little achievement, that.

Death in Mid-Passage

Frady tends to agree with those who say that King died at the right time and in the right way. "Some have since suggested that it was just at the point where King seemed passing irretrievably into decline that he came by the terrible exaltation of violent martyrdom—a kind of historical editing, before the disillusionment could become total, that spared him from what could well have become a progressive marginality and tiresomeness and bankruptcy of his image. . . . If King had lived, most likely he would, with his increasingly radical gospel, have departed steadily further from the temper and received liberal sophistication of his times, drifting to the outermost fringes of apparent relevancy."

I am inclined to the view that Dr. King was taken in mid-passage; he was not yet forty and nobody knows what he might have become and might have done. He might have departed further "from the temper and received liberal sophistication of his times," not because of the radicalism that Frady attributes to him but because of a deeper radicalism grounded in the Christian gospel. I have entertained the hope that King would have confronted the epoch-defining moral crisis posed by what then was called, long before *Roe v. Wade*, "liberalized abortion law." That is no more than a hope. I have no idea what he would have done with respect to this crisis of all crises in our time. But recall that Jesse Jackson, to his credit, was a powerful defender of the unborn for several years after 1968. About abortion he declared, "The war on poverty has been replaced by the war on the poor and the most defenseless." To his great shame, he promptly switched sides when he was bitten by national political ambitions. Had King lived and continued in his aversion to politics, it is reasonable to hope that he would have made the obvious connections between the civil rights struggle and abortion, both being the cause of expanding and defending the community of human dignity. That is, of course, no more than a hope, and we will never know.

Abernathy was severely castigated for writing about King's deep moral flaws, but he tended to treat them as somehow incidental to his character and work. In Frady's portrait, they are more central to understanding what he depicts as the tragedy of Martin Luther King. That King plagiarized a large part of his doctoral dissertation at Boston University is now well known. Frady describes this as "an inclination to casual textual appropriation that was to become an unhappy habit of King's." That the books that were published under his name were, for the most part, written by others is not so well known. There is no doubt, however, that he really is the author of the classic "Letter from Birmingham Jail." Yet plagiarism is not the chief sin.

"The Pelvic Issues"

Dr. King was, for all that was great about him, an adulterer, sexual libertine, lecher, and wanton womanizer. In this he set the moral tone for others. Of the movement leaders Frady writes, "They were . . . a raunchy troupe for the most part, some roistering outrageously at times among whatever likely young ladies were at hand—the movement generally, for that matter, was hardly 'a sour-faced, pietistic' adventure, one veteran has since attested; 'everybody was out getting laid.'" King was a celebrity always surrounded by likely young ladies. On his last night on earth—the night of the unforgettable declaration, "I have seen the promised land"—King returned to the motel and "flung himself into a final, all-night release into carnal carousal" with no less than three women in succession. For years the FBI and, through the FBI, political opponents had tapes of King's nocturnal debauches and attempted to use them for purposes very much like blackmail. Coretta knew, and put on a brave public face of not knowing. The major reporters from newspapers and television networks knew but, Frady writes, "none of this material found its way into their

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reportage, a restraint virtually inconceivable in these times, meaning, of course, that King would very likely never have survived now as the figure he was then." It is not possible to disagree.

I did disagree once. When, shortly after his death, the first book appeared detailing this shadowed side of King's life, *The King God Didn't Save* by John A. Williams, I reviewed it very critically in the *New York Review of Books*. The evidence, I wrote, was hearsay, third- and fourth-hand, circumstantial, unsubstantiated, and highly improbable. I could not write that review today. The book was shoddy and sensationalistic, but thirty years later most of its substantive claims appear to be supported by more reliable witnesses. I had no personal knowledge of Dr. King's sexual wanderings, and I suppose it is possible that I did not see what others saw because I did not want to see it. To be forced to acknowledge that the stories are probably true—no, almost certainly true—still makes me sick. For the fact is that I admired and loved King, and still do. Then and now, I think it possible and necessary to make a crucial, albeit not unambiguous, distinction between the very broken earthen vessel and the treasure of truth that vessel contained and so powerfully communicated.

This must also be said: from very early on, the rhetoric and habits of the movement evinced a recklessly casual attitude toward sexual morality. It became a cliché in activist circles that there were many more Bible passages condemning inequality of wealth and other injustices than there were condemning sexual misconduct. Conventional religion was routinely assailed for being inordinately preoccupied with "morality from the belly button down." Among liberals to this day these are derided as "the pelvic issues." The movement at its best, by which I mean the civil rights movement through the mid-sixties, contained moral ingredients that would later become the libertine "counterculture" of drugs and sexual license. That was the turn, joined most decisively by the agitation for the abortion license, that resulted in my breaking ranks with the left. That turn among left-liberal activists, extending through the 1970s, also has a strong bearing on today's scandals about miscreant sexual conduct by clergy, Protestant and Catholic, who were formed by, and conformed to, the aberrations of the time.

What Jesus Promised

Martin Luther King, Jr. was a Christian. Despite all. As we are all, in the final analysis, Christians despite all. Many of his biographers, and the public school texts, tend to downplay that. Much is made of his having been enlightened by reading Gandhi, and he is frequently depicted as a forerunner of New Ageish spirituality. But King was emphatic in asserting, "This business of passive resistance and nonviolence is the gospel of Jesus. I went to Gandhi through Jesus." Frady and others have recounted his telling of the time in Montgomery when he was first receiving death threats and wanted out. Frady tells it this way:

> He was overwhelmed with woe over his own unworthiness, his life of bourgeois privilege even during this ordeal into which he had led the city's black community, and finally about the superficiality of his "inherited" call into the ministry, although he "had never felt an experience with God in the way that you must . . . if you're going to walk the lonely paths of this life." As he later recalled that late night hour of desolation, "I couldn't take it any longer" and "tried to think of a way to move out of the picture without appearing a coward." Dropping his head into his hands, he suddenly realized he was praying aloud in the midnight hush of the kitchen: "Lord, I'm down here trying to do what's right. . . . But Lord, I'm faltering, I'm losing my courage. And I can't let the people see me like this. . . . But I've come to the point where I can't face it alone." And at that moment, as King would tell it, he seemed to hear "an inner voice . . . the voice of Jesus," answering him: "Martin Luther, stand up for righteousness, stand up for justice, stand up for truth. And lo, I will be with you, even until the end of the world." That voice of Jesus, King recounted, "promised never to leave me, no, never to leave me alone."

A few days after the assassination, I took part in a huge memorial service in Harlem. The service was reported on the evening news. The reporter, microphone in hand, stood in front of St. Charles Borromeo Catholic Church and said, as I recall his words, "And so today there was a memorial service for the slain civil rights leader, Dr. Martin Luther King. It was a religious service, and appropriately so, for, after all, he was the son of a minister." That rather totally missed the point, as the point has been missed so often in the years since then.

Marshall Frady depicts a man desperately riven and driven. "In King's lapses into that 'lower self' he so often decried, one sensed an extraordinarily harrowed man—caught in the almost insupportable strain of having to sustain the high spirituality of his mass moral struggle, while living increasingly in a daily expectation of death—intermittently resorting to releases into sweetly obliterating riots of the flesh. He seemed thus to move through some endlessly recycling alternation between the transcendently spiritual and the

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convulsively carnal." At a later point he writes: "In the widening beleaguerment of his latter years, it would sometimes seem as if he were, as in the Keats ode, 'half in love with easeful death,' almost wishful for its surcease from all travail, proposing once that he just might withdraw into a fast 'unto death.'"

I have no doubt there were times when that was the case. He was, after all, for twelve years and almost daily on the receiving end of death threats, thought he had come close to being killed several times, and was finally gunned down. Of course he thought about death more than most people have occasion to think about death. But it was in those latter years, especially the last two years, that I came to know him personally. Not on a day by day basis, to be sure, but enough to form a firm judgment of the man. From the first day I met him, I was impressed not by any morbid preoccupation with failure and mortality but by what appeared to be his inner peace, an almost triumphant tranquillity. Surrounded as world-class celebrities are by groupies and sycophants, he seemed not to be taken in by it all. I most clearly remember thinking, "Here is a man who has his ego under control. He knows who he is, and who he is not." I admired, and I envied, that. And that, despite all, is the way I remember him to this day.

Marshall Frady and others are right: if everything was known then that is known now, Dr. King would early have been brought to public ruin, and there would almost certainly be no national holiday in his honor. But God writes straight with crooked lines, and he used his most unworthy servant Martin to create in our public life a luminous moment of moral truth about what Gunnar Myrdal rightly called "the America dilemma," racial justice. It seems a long time ago now, but there is no decline in the frequency of my thanking God for his witness and for having been touched, however briefly, by his friendship, praying that he may rest in peace, and that his cause may yet be vindicated.

FT

MEAT-AND-POTATO CATHOLICS

(The following report is submitted by our ubiquitous correspondent George Weigel.)

Outraged commentary quickly followed Bishop Timothy M. Dolan's June 25 remark that his first priority as the tenth Archbishop of Milwaukee would be to talk with those "meat-and-potato Catholics" who are "the strength of any diocese." Bishop Dolan, whose fondness for the table is not entirely disguised by clerical black, made the comment at a press conference introducing him to his new archdiocese, where he was to be installed on August 28.

Meeting in emergency session, the executive committee of the Catholic Theological Society of America adopted a resolution condemning Dolan's "insensitivity to our animal companions" and asserting that vegetarianism was "the more excellent way of Christian nutrition." The Society noted that it had banned steaks from its banquet menus for decades, substituting tofu salads as "more responsive to the moral demands of sustainable development," a point argued in the Society's study of eco-ethics, "People Are the Problem."

In a signed editorial in the liberal Catholic magazine *Commonwealth*, editor Margaret McGillicuddy Steinflyte claimed that Bishop Dolan's statement of priorities was "redolent of the boys' locker-room ambiance of this pontificate." A "preferential option for 'meat-and-potato Catholics,'" Ms. Steinflyte claimed, would "disenfranchise" those hundreds of "brie-and-chardonnay, spirit-of-Vatican II Catholics" who form the core of her magazine's regular readership. In a separate article in the same issue, *Commonwealth* columnist Paul Bauhaus suggested that the "extravagant carnality" of "Bishop Dolan's gustatory imagery" and its "attempt to sacramentalize a body function, eating" was in fact a "sly strategy" for "sneaking John Paul II's theology of the body" into an archdiocese where it was hitherto unknown—"which has certainly been a blessing for Milwaukee."

A close student of the American hierarchy, Father Thomas Reach, S.J., told the *Washington Post* that, while it was customary for a "hefty bishop" to follow a "lean bishop" in Milwaukee, he was concerned that Bishop Dolan's reference to "meat-and-potato Catholics" would "reinforce Milwaukee's image as a stolid, bowling-alley town—an image my colleagues at Marquette, a university in the Jesuit tradition, have worked so hard to erase." Moreover, Fr. Reach noted, to "lay such stress on meat and potatoes" was "pastorally insensitive," given Milwaukee's "longstanding commitment to frozen custard as the signature local dish." "Bishop Dolan's claim to be a man of tradition is somewhat questionable, given his failure to even mention frozen custard at his inaugural press conference," said Fr. Reach.

Criticism was also heard from Catholic commentators in the secular press. In a bitter attack on Bishop Dolan, James Careall, the *Boston Globe* columnist, argued that "meat-and-potatoes Catholicism" is inherently anti-Semitic, "as John

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Chrysostom made unmistakably clear in his fourth-century sermon on Acts 9:9-16." Veteran *Washington Post* columnist Mary McGrouchy wrote in a more elegiac mode. "With John XXIII and the Kennedy White House, we thought, we prayed, that we had put 'meat-and-potatoes Catholicism' behind us," Ms. McGrouchy reminisced. "When will Catholicism in America develop even a surface level of sophistication?"

Maureen Dowdy was in a less gentle mood on the *New York Times* op-ed page. "Bishop Dolan's adolescent wisecrack is of a piece with President Bush's fondness for cowboy boots. When are these guys going to grow up?" Following a pattern established in the first months of 2002 on the *Times*' op-ed page, Bill Killerbee took Ms. Dowdy one better, with a biting critique of Dolan's "slash-and-burn ecclesiastical style, reminiscent of such scoundrels of Catholic history as Torquemada and Pope John Paul II."

This firestorm of deprecation was challenged by Stanislaw Miesozerny, a cattle and dairy farmer in Dodge County, northwest of Milwaukee. "I think what Bishop Dolan said is great," Mr. Miesozerny, a 1962 Marquette University philosophy major, told the *Milwaukee Journal Sentinel*. "Everyone who studies the *Summa* understands that beef cattle achieve the 'final end' of their existence as New York Strips at the Outback. That's just good Thomism."

"Besides," he continued, "these vegans want us to abstain from all milk products. And you know what that means for Wisconsin. I'm looking forward to Archbishop Dolan endorsing our campaign to change Wisconsin's license-plate slogan. 'America's Dairyland' is a little lame. My meat-and-potatoes Catholic friends think it ought to be 'Eat Cheese or Die.'"

FT

While We're At It

■ There will of course be more in these pages on the *Zelman v. Simmons-Harris* decision handed down by the Supreme Court this term. As is not infrequently the case, it was a close vote (5-4) but that in no way diminishes its potential, and indeed almost certain, implications for the future. Of course *Zelman* is an enormous boost for the proponents of parental choice in education and especially for poor families such as those in Cleveland who had previously been confined to the thoroughly rotten system of government schooling. The approval of vouchers that parents can use in any available school, including religious schools, does not mean that the battle for parental choice is won. In every state the formidable forces defending the status quo, notably the teachers' unions, can be counted upon to obstruct educational freedom every step of the way. But with *Zelman* the long and dreary history of antireligious (mainly anti-Catholic) discrimination in education, based on a twisted reading of the no-establishment provision of the Religion Clause, has been, at least in principle, rejected. Therein lies the historic significance of the decision, a significance that reaches far beyond education, as important as educational freedom undoubtedly is. But, as I say, more on these matters later.

■ This will come as something of a surprise to people who have known Norman Podhoretz as a writer of sharp-edged political and cultural criticism. In his thirty-five years as editor of *Commentary*, through hundreds of articles and a shelf of books, he has been both acclaimed and derided as a champion of polemics without apology. Now he has produced a big (almost four hundred pages) and remarkable book of a very different genre, *The Prophets: Who They Were, What They Are* (Free Press). Not that the book is devoid of polemics, but it is more importantly a work of love that puts one in mind of what Alan Jacobs in a recent book calls the hermeneutics of love (see Public Square, June/July). In writing as an "amateur," a lover of the Hebrew Bible, Podhoretz resumes an affair of his youth when he studied Hebrew literature at the Jewish Theological Seminary and, later, was a protégé of literary giants such as F. R. Leavis and Lionel Trilling. Podhoretz has immersed himself in the vast literature, both Jewish and Christian, on the prophets, but wears his learning lightly as he speaks about the prophets in his own voice and with a sense of fresh discovery that carries the reader along on a journey through the history of Israel that combines narrative force, literary appreciation, and a bracing application of the prophetic message to our own time. Informed but not intimidated by the academic experts, Podhoretz frames the story around several arguments that some will consider controversial. First, he says that all the prophets, and indeed all the writers of the Hebrew Bible, must be understood as engaged in a war against idolatry. This he says against scholars who contend that the later (he prefers "classical") prophets invented a monotheism unknown to the likes of Abraham and Moses. Second, he persuasively argues—against a long history of liberal interpretation—that the prophets did not pit morality against ritual or the prophetic against the priestly. Third—and this against the same liberal

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interpretation—the prophets do not represent a breakthrough from tribal "particularism" to "universalism." Rather, the reality and promise of the universal is to be discovered in the particular of the Jewish people. The book concludes with a convincing description of the revival of pagan idolatries in our time, underscoring the abiding pertinence of the prophets. Regrettable in my view is the cursory dismissal of the continuing entanglement of Judaism and Christianity that has engaged the attention of both Jewish and Christian thinkers in the last hundred years (see my "'Salvation Is from the Jews,'" FT, November 2001). For Podhoretz—as for many Christian thinkers in the liberal tradition he criticizes—Christianity is simply another religion based on Paul's rejection of the law. That position raises questions of monumental complexity and importance for the identity of both Judaism and Christianity, and for the relationship between Christians and Jews, that deserve better than Podhoretz's abrupt and apodictic rejectionism. With respect to the unbridgeable chasm between Judaism and Christianity, Podhoretz is a Jewish Schleiermacher. Nonetheless, *The Prophets* is a notable achievement that can be read, also by Christians, with great benefit and enjoyment. I do not remember a telling of the story that so gripped my attention since as a young seminarian I read John Bright's *A History of Israel.* Incidentally, but of relevance to endless debates about translations, Podhoretz makes a strong case for the King James Version as best representing in English the nuances of Hebrew prose and poetry. Although, in light of more recent discoveries, he departs from the KJV on occasion, he comes close to suggesting that the king's men were inspired. Of such are the many instructive charms and provocative contentions of *The Prophets.*

■ Many subscribers say they read every word of every issue, but I expect that even the most zealous sometimes skip the masthead. In that event, they will have missed the news that Dr. Timothy George has joined the editorial board. Dr. George, Dean of Beeson Divinity School in Birmingham, Alabama, did both his masters and doctorate at Harvard University and is a church historian of distinction who has held important positions with the Southern Baptist Convention. He is also an invaluable partner in the ongoing project "Evangelicals and Catholics Together." He and his wife Denise have two children. We are privileged to have him on our editorial board.

■ Whatever happened to the mandatum? I recognize the possibility that you have not asked that question lately, what with all the other problems afflicting the Catholic Church, but it's a question worth asking. Recall that in 1990 John Paul II set forth a vision for the renewal of Catholic higher education in *Ex Corde Ecclesiae* (from the heart of the Church), and it took ten years for Rome and the American bishops to agree on how that vision was to be implemented. Part of the agreement was that people teaching Catholic theology should receive a mandatum (or mandate) from their bishop, certifying that what they say is Catholic theology is what the Church teaches. A simple matter of truth in advertising, one might think. Of course, liberal bishops balked and liberal academics railed against the alleged threat to academic freedom. This past June was the deadline set for obtaining a mandatum, but by then the bishops were caught up in the vortex of more pressing concerns. Between theologians' objections and bishops' reluctance to force the issue, "the mandatum will be one more thing that will disappear in the dustbin of history," Peter C. Phan of Catholic University of America and outgoing president of the dissident Catholic Theological Society of America (CTSA) happily observes. It is by no means evident that, even without the scandals that have embroiled them, the bishops were very serious about the mandatum. Archbishop Daniel Pilarczyk of Cincinnati headed the committee in charge of "enforcement," and he says, "This was thought to be, 'Wow, the guillotine was set up in the public square, and heads will roll.' That was never the intent." Of course not. Compared with the moral deviations toward which many bishops have shown such tolerance, what is the academic misrepresentation of Catholic doctrine? John McCarthy, chairman of theology at Loyola University, Chicago, has even refused the repeated request of Francis Cardinal George to send him the names of theologians teaching there so that he can meet with them. "Even at the point of interviewing for faculty hiring, it's illegal to ask a person's religion," says McCarthy. If you're looking for someone to teach Catholic theology, it's illegal to ask a candidate if he would teach Catholic theology? It would appear that Loyola Chicago is among the many schools that really do not care one way or the other, which was the reason for *Ex Corde Ecclesiae* in the first place. Stephen E. Fowl, chairman of theology at Loyola College in Maryland, says his department has no problem with the mandatum. "As we understand it," he says, "what you are committing to doing is only teaching as Catholic doctrine what is Catholic doctrine, which seems to us to be primarily a matter of intellectual integrity." He is right, but the dominant and rather odd position in the academic world of CTSA appears to be that one must choose between freedom and integrity. The bishops are not required to make public who has or has not received a

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mandatum, so nobody knows. The end result, it would seem, is that *Ex Corde Ecclesiae* is one more of the many magnificent visions set forth by John Paul II to which the American bishops, with relatively few exceptions, have turned a blind eye. It is a great and continuing sadness.

■ Oh, but aren't we wicked? Judith Shulevitz, writing in the *New York Times Book Review*, discusses a really nasty novel by French writer Michel Houellebecq (pronounced WELL-beck). It's called *Platform* and apparently (I have no intention of reading it) is about people who try to turn the world into a whorehouse. Shulevitz writes, "Like the dirty-minded oppositionalists who preceded him—the Marquis de Sade, Georges Bataille, Celine—Houellebecq skillfully transforms pornographic excess into social critique, and the return to normalcy into a capitulation to hypocrisy and spiritual death." Oh, dear. Normalcy is hypocritical and stifling. There's a fresh theme holding high promise for the revival of literature and the intellectual life, as every rebellious adolescent of the last 150 years has excitedly discovered. The *New Statesman* declares that Houellebecq is "the great chronicler of the moral and cultural emptiness of modern France." Ms. Shulevitz is not about to take a back seat to France. Speaking on behalf of the moral and cultural emptiness of modern America, or at least of the *New York Times*, she declares that we, too, want novelists "to plumb our depths, to dredge up our excesses, to startle us into recognizing ourselves for the confused and desperate characters we have become." Confused I'll give her.

■ "The Christian religion is a very powerful and convincing mistake, that's all." So says a character in Philip Pullman's latest fantasy, *The Amber Spyglass*. One might note that if one is convinced Christianity is a mistake one could not find it convincing. Setting aside such quibbles, the popularity of Pullman's overtly atheistic enterprise is worth noting and was brilliantly discussed in these pages by Sarah E. Hinlicky ("The End of Magic," February 2002) and Daniel P. Moloney (Books in Review, May 2001). Writing in *World*, Gene Edward Veith notes that Pullman fans are being driven back to reading John Milton, and *Paradise Lost* in particular, to pick up the clues that Pullman inverts in his books. Veith expresses the hope that such readers, following in the steps of C. S. Lewis, may, despite themselves, be led to see with Milton that "Satan, for all his deceptions, turns out to be the real tyrant." Inverting the inversion, so to speak.

■ There has long been a more than modest coincidence, reaching legendary proportions in the Anglo-Catholic tradition, between aestheticism and a certain sexual bent. As with other lines of work such as hairdressing and fashion designing, those with an intense interest in liturgical niceties are thought, fairly or not, to tend toward the effete. Which is why it is—in addition to being scandalous—puzzling that the Federation of Diocesan Liturgical Commissions (FDLC) finds itself embarrassed by both its executive director and immediate past chairman being accused of doing wicked things with little boys. One hardly associates FDLC with aestheticism. On the contrary, much of what liturgical experts have done to Catholic liturgy in recent decades seems to represent a determined campaign best described as uglification. Or is a counter-aesthetic just another form of aestheticism? I'm trying to figure this one out.

■ The truth is that many Catholics have stopped going to confession altogether. The attempt to change the name to the sacrament of penance and reconciliation probably didn't help. Mothers used to say, "You'd better go to confession." I wonder if a mother ever says, "You'd better go to the sacrament of penance and reconciliation." But that's probably a small factor in the neglect of the sacrament, which has been a matter of continuing concern to Rome. This May, John Paul II issued an apostolic letter, "Misericordia Dei," stressing the significance of confession and underscoring the importance of the individual relationship between penitent and confessor. General confession and absolution, he pointed out, is reserved for cases of grave necessity, such as an imminent plane crash or troops going into battle, when individual confession is not possible. Another factor in the declining use of the sacrament, however, may seem small but I expect is very big in its effect, and I'm puzzled that I've never seen it mentioned in print. It is the present form of the preparatory or penitential rite at the beginning of Mass. The priest says we are to call to mind our sins and then all join in saying, "I confess to almighty God, and to you, my brothers and sisters, that I have sinned through my own fault," etc. In some Mass guides, the rubric then reads, "The priest says the absolution." Then follows a prayer that God will have mercy, forgive us our sins, and bring us to everlasting life. Is that sacramental absolution? Of course not. Not as in "whatever you bind on earth shall be bound in heaven." But for many people the preparatory rite sure looks like confession and absolution, indeed like general confession and general absolution. How odd it must seem to someone who has just gone to the sacrament of confession in preparation for receiving the Eucharist to then be invited at the beginning of Mass to confess his sins and receive what appears to be absolution all over again. I have read learned articles

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on the cultural, psychological, and catechetical reasons for the dramatic decline in confessions. My hunch is that a factor as big as any is that people who never go to confession mistakenly think they go to confession every time they go to Mass.

■ It's hard pickings for national identity if you're a Canadian. In a big national survey, respondents were asked to name the most significant events in Canadian history. Forty-six percent named the creation of national health care, 29 percent chose the 1982 adoption of Pierre Trudeau's "Charter of Rights and Freedoms," and eight percent favored the 1972 hockey series between Canada and Russia. The most admired Canadians, past or present? The late prime minister Pierre Trudeau rates 31 percent, with three other recent politicians and hockey player Wayne Gretzky coming in at under five percent. Despite the fact that not much happens in Canada, people do feel a need to relax and they were asked about their favorite ways of doing that. Twenty percent named reading, 14 percent named watching sports, and nine percent said hanging out with family and friends. But what caught the headline in the *Toronto Star* was this: "Just one percent listed sex as their favorite leisure activity." That invites a measure of skepticism. First, a book or magazine is always there for the picking up. Second, "leisure activity" connotes something that takes a lot of time. On the other hand, maybe the one percent should be taken at face value. For a people in whose history the most significant thing that has happened is the establishment of the right to get in line to see a doctor, sex may seem an imprudent excitement.

■ As you might imagine, thousands of books come through this shop, and relatively few can be considered for serious treatment, or any treatment at all. *Birdwatching in Vermont*, for example, didn't stand a chance, and when the postman spotted *Breaking Open the Head: A Psychedelic Journey into the Heart of Shamanism* and wanted to borrow it, nobody objected. We come up with little games in making necessarily quick judgments about books. There is, for instance, the best "focus-group title." That's when in every part, and taken as a whole, the title reflects keen market testing. The winner this season is Martin E. P. Seligman's *Authentic Happiness: Using the New Positive Psychology to Realize Your Potential for Lasting Fulfillment.* Bingo. "Happiness" is, of course, the original happy word. The qualifying "authentic" signifies that the author is aware of phony happinesses on offer. "Using" appeals to the pragmatic assumption of what ideas are for. "New" resonates with a neophiliac culture. "Positive," of course. Who wants anything negative? "Psychology" may have only a niche appeal, but accompanied by such an armory of qualifiers, it is hoped that any skepticism will be overwhelmed. "Realize" and "Potential" may seem redundant, except that the latter is needed for the inclusion of the crucial "Your," assuring the reader that Seligman is not going to impose anything. He only wants to help you be the wonderful person you are. "Lasting" is an implied guarantee that you will never have to buy another book like this again. As for "Fulfillment," see above on "happiness." Seligman and Free Press have come up with the generic title for the entire genre of self-help books, meaning books that pander to the delusion that the simply marvelous "real me" is just waiting to be released from the me of life so far. And now I expect I will hear from a reader or two who will say their lives were turned around by the book. To which I can only say, Congratulations. But you might want to give the "Lasting" a bit more time.

■ I suppose I must plead guilty. Jody Bottum, that incorrigibly pedantic nitpicker at the *Weekly Standard*, charges me with carelessness in attributing to James Joyce the statement that the Catholic Church is "Here Comes Everybody." He notes that in *Finnegans Wake* Joyce does play on the initials of H. C. Earwicker—HCE—employing the phrase, "Here Comes Everybody," but nowhere can Mr. Bottum find the phrase applied to the Church. I can't either. Mr. Bottum complains that my apparent mistake is now being replicated "everywhere on the Internet," which is probably something of an exaggeration. Barring a kind reader's supplying a vindicating reference, I assume that somewhere along the line, probably years ago, I found the formulation attributed to Joyce and took the attribution at face value. So, pending further clarification, please do not use it. I am trying to be grateful to my friend Jody Bottum for depriving me of a great line.

■ "We are still in the middle of the story of *Roe*, and no one can predict the ending." So say N. E. H. Hull and Peter Charles Hoffer, authors of the informative *Roe v. Wade: The Abortion Rights Controversy in American History* (University Press of Kansas). Professors of law and history, respectively, Hull and Hoffer are keenly sensitive to the cultural, religious, and rhetorical dimensions of the struggle, and note the effectiveness but also the possible perils in the pro-abortionists' decision to bet everything on the single theme of "choice." *Roe* is generally depicted as a climactic victory in the long struggle for women's rights, but the authors note the crucial difference from other victories—the Nineteenth Amendment giving women the vote and the Civil Rights Act of 1964—that

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"brought women more fully and equally into a world that had been the preserve of men." *Roe*, on the other hand, "gave to women a legal right to be different." Abortion, by its very nature, distinguishes between men and women. "Under an old regime of law and politics exclusively male, supported by a worldview that regarded women as the inferior sex and praised the ideal woman as wife and mother, men played a major role in the abortion story. Men made laws against abortion, enforced them, then argued against them and repealed them, dictating women's access to legal abortion. But when women got the right to abortion, men play a diminished role in the tale. Thus the abortion story, despite the absence of gender in the constitutional language on which abortion rights rest, differs from the many other stories we can tell about women's rights in the twentieth century." The question posed by Hull and Hoffer, although they don't put it quite so bluntly, is whether, in the cultural churnings of coming years, women will see it as being in their interest to so radically assert their independence from men. Because that is at least doubtful, it is the case that "we are still in the middle of the story of *Roe*, and no one can predict the ending."

■ It is simply not true that I have a position on everything. For instance, the endless wars among Lewisians waged by the partisans of Kathryn Lindskoog and Walter Hooper. It is true that I think Hooper, who presents himself as the guardian of the C. S. Lewis literary legacy, has been unseemly in exaggerating his relationship with the great man, inflating a few weeks with him in 1963, the summer before Lewis died, into what sometimes appears to be a lifetime of bosom fellowship. So I guess I have something like a position on that. And it is true that Lindskoog's relentless pursuit of Hooper's alleged fiddling with texts, and even forgeries, continued in her recent book *Sleuthing C. S. Lewis: More Light in the Shadowlands* (Mercer University Press), seems to have an edge of fanaticism about it. But that's just an impression, not a position. I do take the position that the *Chronicle of Higher Education* is right to conclude its discussion of the Lewisian contretemps with the suggestion that Lewis himself would not be surprised. In a conversation with two other writers, Lewis remarked, "Matthew Arnold made the horrible prophecy that literature would increasingly replace religion. It has, and it's taken on all the features of bitter persecution, great intolerance, and traffic in relics. All literature becomes a sacred text. And a sacred text is always exposed to the most monstrous exegesis. . . . It's the discovery of the mare's nest by the pursuit of the red herring." The other writers laughed, and Lewis added, "This is going to go on long after my lifetime. You may be able to see the end of it. I shan't." He probably did not know that the battle over his own texts would so spectacularly confirm his prophecy.

■ Neophiliacs, lovers of the new. That's what much of our elite culture would seduce us into becoming. Chesterton called tradition the democracy of the dead. In a living tradition—whether philosophical, religious, or aesthetic—the dead are not really dead; we are aware of our living in them and they in us. Neophiliacs do not understand that. To sustain the delusion that only the new matters, they have to fake it. A cartoon pictures executives sitting around the board room table on which is a box of breakfast cereal emblazoned with the word "New!!" The chairman is saying, "What do you mean what's new about it? The 'New!!' on the box is new." Here is a news story about the Locrian Chamber Players in New York. They were established in 1994 with the guiding principle that they would never play works more than ten years old. Now they're coming up on their tenth anniversary and panic is setting in. Works that were hot off the press in their first season are now, according to their guiding principle, slipping into the mists of antiquity. There is, for instance, Pauline Oliveros' 1992 *Sound Fishes*, in which the instrumentalists wander around the room pulling sundry sounds out of the air like a fisherman catching fish. Then there is *Heart Chant*, an audience participation piece in which listeners are asked to feel their heartbeats and send out good vibrations. There are other "compositions" in a similar vein, but soon they will all be to no avail. They will soon be more than ten years old. "Sorry. Been there, done that." The Locrian Chamber Players are very much like "creative" liturgical experts who encourage—no, demand—spontaneity in worship. There is no more imperious demand than the demand to be spontaneous. The most effective protection against the neophiliacs is the Church's historic liturgy, offered "with angels and archangels and the whole company of heaven," from eternity to eternity. Augustine said of Christian truth that it is "ever ancient, ever new." Between the ancient and the new, no decision is required. Whether in chamber music or in worship, the exclusivism of neophilia is countered by living tradition, the democracy of the dead.

■ I don't know whether I'm being suckered here or not. Pastor Russ Saltzman, editor of the *Forum Letter* from which I sometimes quote, is coordinating a conference on Christian sexuality to be held October 24-26 at Ruskin Heights Lutheran Church, 1081 Ruskin Way, Kansas City, Missouri 64134. He's lined up an impressive group of Lutheran, Reformed, and Roman Catholic speakers. He tells me that people who

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say they learned about the conference from FT get a reduced registration fee, thereby suggesting that I owe it to our readers to let them know. So now you know. If you want to take this up with Pr. Saltzman, he can be reached at 816-761-6815.

■ You know about Father Mychal Judge, the gay priest who was killed giving the last rites to fallen firefighters at the World Trade Center? No you don't. Fr. Mychal was not homosexual, never mind, as has been endlessly repeated in the media, "openly gay." He was a faithful celibate priest noted for his heroic service to all in need. The story of his being gay is a total fabrication of homosexual activists and their friends in the press. So says Dennis Lynch, a lawyer who was a close friend and collaborator of Fr. Mychal's who knew him for ten years and has gone to the trouble of interviewing scores of others who worked with him closely. All of them agree that the legend of "the gay priest" is nothing but propaganda. As you might expect, there are those who persist in claiming that they know Fr. Judge was gay. I don't know what to believe, but I have talked with Mr. Lynch and find his argument persuasive. For further information, he can be reached at deallaw@aol.com.

■ As you probably know by now, I think Samuel Huntington's *The Clash of Civilizations and the Remaking of World Order* is one of the really important books of our time. Amartya Sen, Master of Trinity College, Cambridge, and Nobel Prize-winner in economics, often has very interesting things to say, but his trashing of Huntington in the *New Republic* is a deep disappointment. He accuses Huntington of promoting "civilizational imprisonments" that deny individual freedom. It is true that Huntington generalizes about "the Western world," "the Islamic world," the "Buddhist world," and so forth, and the important question to ask about generalizations is whether they are generally true. A generalization, by definition, does not cover every individual instance, and may allow for many instances to the contrary, as Huntington's generalizations surely do. But, in a nice piece of writing in the service of a wrongheaded criticism, Sen complains: "In our normal lives, we see ourselves as members of a variety of groups: we belong to all of them. The same person can be an American citizen of Malaysian origin with Chinese racial characteristics, a Christian, a libertarian, a political activist, a woman, a poet, a vegetarian, an asthmatic, a historian, a schoolteacher, a bird-watcher, a baseball fan, a lover of jazz, a heterosexual, a supporter of gay and lesbian rights, and a person deeply committed to the view that creatures from outer space regularly visit Earth in colorful vehicles and sing tantalizing songs. Each of these collectivities, to all of which this individual belongs, gives her a particular identity, which—depending on the context—can be quite important; but none of them has a unique and pre-ordained role in defining this person." All that is undoubtedly true in "our normal lives"—meaning the lives of those of us in the Western, and mainly American, world. But for an eighteen-year-old woman in Saudi Arabia? We must resist Huntington's "civilizational imprisonment," writes Sen. "We must insist upon the liberty to see ourselves as we would choose to see ourselves, deciding on the relative importance that we would like to attach to our membership in the different groups to which we belong." That is an admirably representative generalization by a member of an individualistic, emotivist, Western culture, and it very nicely demonstrates the argument that Sen intends to refute. Huntington is writing about the worlds that clash against the world that Sen describes.

■ What next? That was the question when the wire services moved a hot story that two Austrian bishops had agreed to ordain seven women to the priesthood. The reality fell somewhat short of the news. On July 1, on a ship moored in the Danube near Passau in southern Germany, three hundred people gathered for the ordination, so to speak, of seven women of German, Austrian, and U.S. nationality. The presiding bishop, to stretch a point, was Romulo Braschi, an Argentine priest who was excommunicated in the 1960s and went on to establish the Charismatic Apostolic Catholic Church of Jesus King, which claims thirteen thousand members worldwide. Braschi styles himself the Archbishop of Munich, Zurich, Buenos Aires, and Salvador da Bahia. The phenomenon of *episcopi vagantes*, or wandering bishops, is nothing new. In the nineteenth century a number of Anglicans and excommunicated Catholics received what they claimed to be episcopal orders through the "Old Catholics" of Utrecht, and promptly began ordaining with abandon. In almost any major city in the U.S. there are little ecclesiastical covens claiming to be the true Catholic Church. Back in my Lutheran days at St. John the Evangelist in Brooklyn, we were for a while visited by a Patriarch Michael who claimed to preside over the Catholic Church east of the Mississippi and in all of Asia. I thought that somewhat amusing until a young fellow who did janitorial work at the parish announced one day that Patriarch Michael had just consecrated him as Archbishop of New York, and he wanted a big raise. There is something pathetic about the ceremony on the Danube and its being proclaimed a "breakthrough" toward the ordination of women. Whatever the arguments for ordaining

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women, John Paul II has reiterated that the Church just can't do it. The sacraments, including the sacrament of holy orders, belong to Christ, not to the Church, and Christ has not authorized the Church to ordain women. That is a statement of modesty and obedience, and the Congregation for the Doctrine of the Faith has said it is infallible. It is not infallible by virtue of what this Pope has done, but because what he has done is in continuity with the Catholic tradition from the apostolic era to the present. Moreover—and although this is not given as a reason for the teaching—opening the door to ordaining women would almost certainly doom any prospect of reunion with Orthodoxy, which has to be the premier ecumenical concern of Rome. Perhaps the poignant attempt on the Danube will help people to understand that, however sympathetic they are to women who believe they are called to the priesthood, agitation toward that end is no more than a distraction from the movement for authentic renewal that is so urgently needed. To the credit of what used to be called the Women's Ordination Conference in this country, most of its members seem to have given up on such agitation. Not, unfortunately, because they agree with the Church's teaching but because they have been "radicalized" into rejecting the entire structure of the Church, priesthood and all. That is to their credit in the limited sense that it is straightforward, in contrast to the farcical fudging presided over by the putative Archbishop of Munich, Zurich, Buenos Aires, and Salvador da Bahia.

■ Oops Department. In the August/September issue I said the Cardinal Bernardin Award, which was supposed to have been given to the embarrassingly resigned Archbishop of Milwaukee, Rembert Weakland, is closely associated with *Commonweal* magazine. I am informed that the award is, in fact, sponsored by the Catholic Common Ground Initiative launched by the late Joseph Cardinal Bernardin of Chicago. On the other hand, *Commonweal* is very closely associated with the Common Ground Initiative.

■ Political commentator Mark Shields notes that in the 2000 presidential election 14 percent of the electorate—which translates into 14.7 million voters—named abortion as the most important issue in deciding their vote. That sector of voters chose Bush over Gore by 58 to 41 percent, meaning that Bush had an advantage on the abortion issue of 2.5 million votes in an election in which Gore won the national vote by 540,000. Catholics figure very prominently in that 14 percent. Shields thinks that maybe this would give Democrats pause. Nothing doing. He writes, "In a deliberate act of political bigotry, the Democratic National Committee is daily telling Catholic voters to get lost. Do you think I exaggerate? Then go to the Democratic National Committee website. There you will find 'links of interest from the Democratic National Committee.' If your interests include the environment or veterans or Gay and Lesbian or Jewish-American or pro-choice or African-American, the DNC will happily suggest dozens of places for you to spend time. There is under 'Catholic' only one Democratic Party-endorsed site to visit: the absolutely unflinching champions of abortion on demand, Catholics for a Free Choice."

■ I've had my public differences with Sherwin B. Nuland, author of *How We Die*, which is in many respects an admirable book. (I quote it favorably in my own *As I Lay Dying*.) I therefore read with particular interest his review essay in the *New Republic* of another admirable book, *The Case Against Assisted Suicide*, edited by Kathleen Foley and Herbert Hendlin (Johns Hopkins University Press). Nuland rightly praises the book for, inter alia, its devastating information on legalized euthanasia in the Netherlands and its critique of official evasiveness and mendacity with respect to Oregon's assisted suicide program. The contributors to the book, Nuland acknowledges, make a convincing case that the real moral and medical crisis in end-of-life care is the cruel neglect of palliative measures. Yet, he says, there will always be a small number of cases in which direct killing or euthanasia (which he defines as "easy death") will be warranted. He writes, "If that is so, then society should affirm each and every such decision. And here I offer a suggestion that may seem odd, superfluous, and even antiquated. It is that final consent should be in the hands of a kind of council of elders, people in a community or institution known for their probity, wisdom, and sense of civic responsibility." The suggestion is odd; not because it is superfluous or antiquated but because it assumes that "society" can act through a council that would, by definition, exclude those who believe that it is always and in every instance wrong to intentionally kill an innocent human being. At present and, please God, in the future such people are the great majority in American society. Dr. Nuland's opposition to what is happening in the Netherlands and Oregon, and his demolition of the arguments advanced by such as the Hemlock Society, are most welcome. Regrettably, he is still hanging on to the hope for a rule that will allow "rare exceptions," a rule that, once adopted, will smooth the way for the regime of death that he abhors.

■ When I was at seminary in St. Louis, I did some graduate work in philosophy at Washington University.

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The fellow who chiefly captured my attention, and, whatever his intentions, dissuaded me from viewing academic philosophy as a possible future, was a terribly clever young Ph.D. fresh out of Harvard, who, as an analyst of ordinary language, rejoiced in demonstrating that words do not mean what they purport to mean. He was very good at this. I had not thought about him in a long time until coming across this in Terry Eagleton's memoir *The Gatekeeper*. In his chapter on "Dons," he describes a "Dr. Greenway" who disillusioned him of the assumption that there is a connection between erudition and intelligence. Eagleton writes, "Greenway was certainly intelligent, but he had no more ideas in his head than a hamster. Indeed, he was not only bereft of ideas but passionately opposed to them, which struck me as a little odd for a doctor of philosophy. He did not see the need for them, any more than he saw the need for wrapping his feet in asbestos or wearing a tutu. I soon discovered that his role as a teacher was to relieve me of my ideas, as the role of a burglar is to rifle your bedroom. I would stagger into a supervision clutching a huge, unwieldy armful of them, and he would cut them briskly down to size, toss them dismissively to each side, and pack me off poor but honest." To think of the dreary life of doing that to students year after year. I've long since lost contact with my Washington U. prof, but I hope he found a more honorable line of work.

■ Medical doctors are under growing pressure to see more patients in less time, for less pay, and with more paperwork required. Nonetheless, the amount of charity work performed by physicians is on the increase. The number of charity hours per doctor per week rose from 6.6 to 8.8 between 1988 and 1999, according to a study done by the American Medical Association. The pro bono work takes various forms—in nursing homes, with sports teams, helping church groups, etc. Chiefly, it's a matter of waiving or drastically reducing fees for patients who cannot pay and do not have insurance. (Not included in the hours counted is "bad debt" care, meaning when the doctor expected to be paid but wasn't.) What does this have to do with religion, culture, and public life? I'll think of something, but meanwhile thought you might welcome a bit of good news.

■ It was a beautiful little brouhaha. A front-page story in the *Times* reported that the New York Board of Regents had been bowdlerizing literary excerpts on standardized tests, removing words that might be thought "insensitive." You can't be too careful when it comes to race, class, gender, religion, handicap, or lifestyle; somebody is sure to be offended. Writers such as Frank Conroy and Annie Dillard led the charge as Manhattan rose up in outrage against the censors in Albany. Daniel Henninger of the *Wall Street Journal* was only mildly amused. Those outraged by the state's fiddling with their prose, he notes, are the very people who over the last three decades have imposed the stifling regime of political correctness. Huck Finn must go, but how dare you touch what I have written! Henninger writes: "The Regents' goofy censorship is such a flyspeck compared to the larger ruin this movement has brought. Substituting 'thin' for 'skinny' and 'heavy' for 'fat' is merely the work of people whose minds work like almost everyone else's now; we all carry in our heads an informal list of imagined verbal offenses. They don't want teen testers to feel uncomfortable; we don't want our dinner partners to feel uncomfortable. We don't need censors; we do it to ourselves. Welcome to the East Germany of the soul."

■ We don't want to pick on Tacoma, Washington. But a subscriber complains that the public library there does not carry FT. She thinks the citizens of that fair city are being unfairly deprived, and she is right. In Tacoma, Abilene, Braintree, and San Diego, the thing to do is to very politely point out this grave injustice. And please don't forget college, university, and parish libraries as well. Thank you.

Sources: Adam Goodheart on travelers in Eastern Europe, *New York Times Book Review*, July 21, 2002.

WHILE WE'RE AT IT: On the mandatum, *Chronicle of Higher Education*, June 14, 2002. Judith Shulevitz on Michel Houellebecq, *New York Times Book Review*, June 2, 2002. Philip Pullman on Christianity, *World*, June 22, 2002. Aestheticism in the liturgy, *Adoremus*, June 2002. Canadian national identity, *Toronto Star*, June 20, 2002. The story of *Roe*, *Chronicle of Higher Education*, November 2, 2001. The battle for C. S. Lewis, *Chronicles*, July 20, 2001. Locrian Chamber Players' neophilia, *New York Times*, June 11, 2002. On Fr. Mychal Judge, Culture and Family Institute, July 2, 2002. Amartya Sen on Samuel Huntington, *New Republic*, June 10, 2002. Austrians ordaining women, ZENIT, July 2, 2002. Mark Shields on Catholics in the electorate, ZENIT, July 24, 2002. Sherwin Nuland on euthanasia, *New Republic*, June 18, 2002. On "Dr. Greenway," *Times Literary Supplement*, January 25, 2002. Pro bono doctors, *American Medical News*, June 17, 2002. New York Board of Regents' bowdlerizing, *Wall Street Journal*, June 14, 2002.

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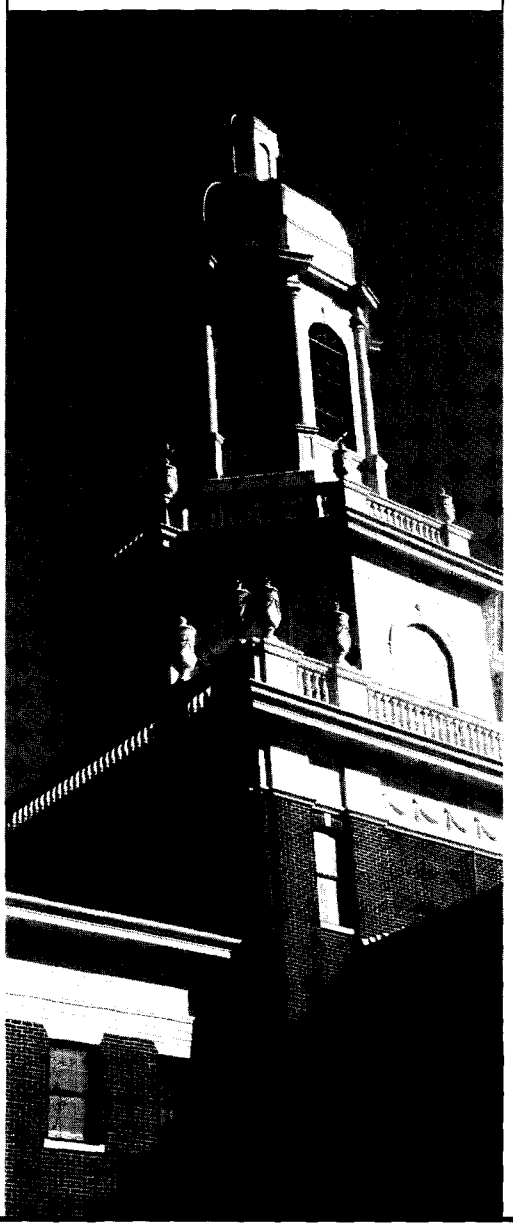

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Honors College Dean Search Committee
Baylor University/BIC
P.O. Box 97352
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or HCDean_Search@baylor.edu

Review of nominations and applications will continue until the position is filled.

As an Affirmative Action/Equal Employment Opportunity Employer, Baylor University encourages minorities, women, veterans, and persons with disabilities to apply.

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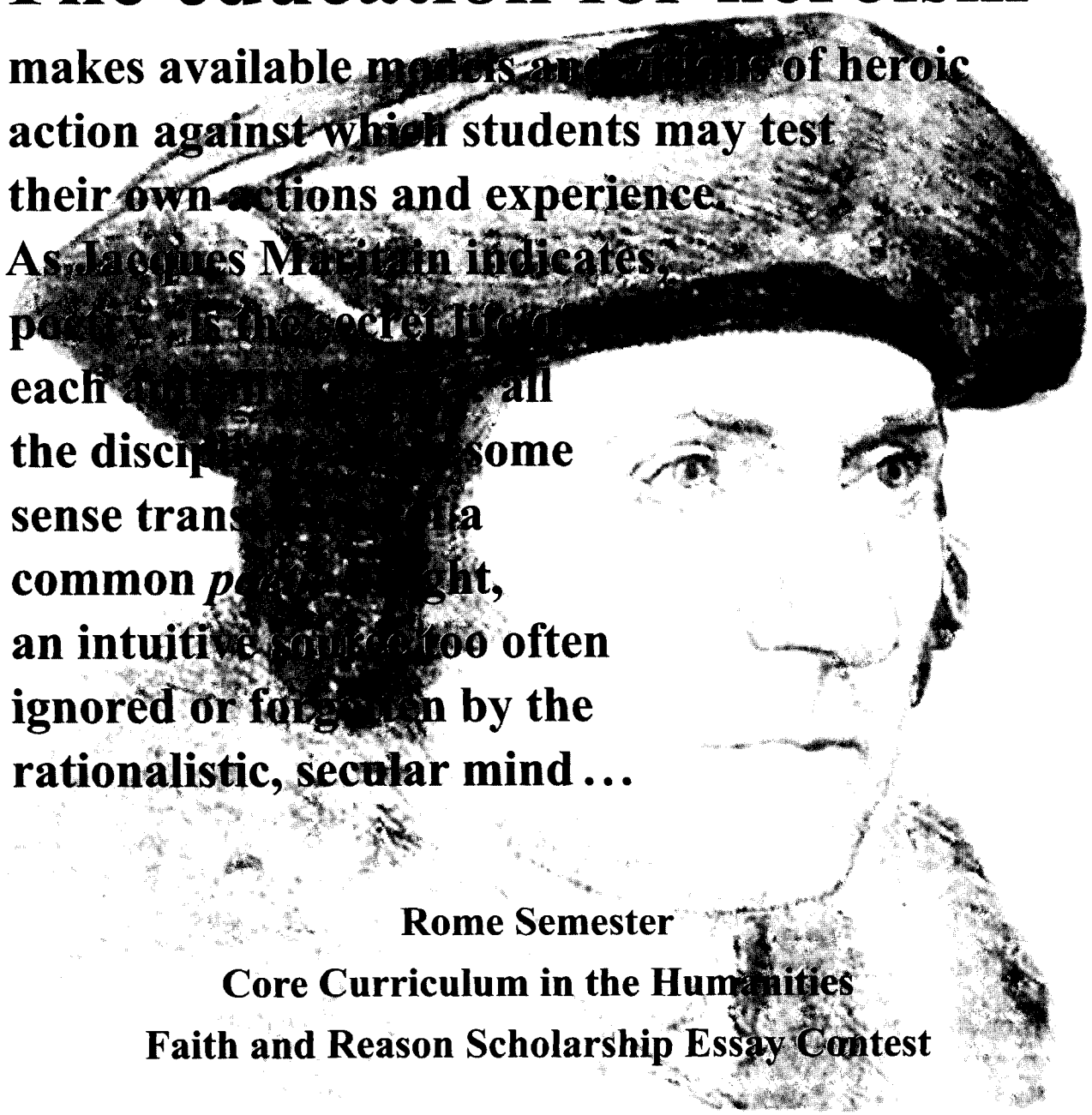
The education for heroism



makes available models and traditions of heroic action against which students may test their own actions and experience. As Jacques Maritain indicates, poetry is the secret life of each [illegible] all the disci[illegible] some sense trans[illegible] a common *p*[illegible]ght, an intuitive source too often ignored or forgotten by the rationalistic, secular mind . . .

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